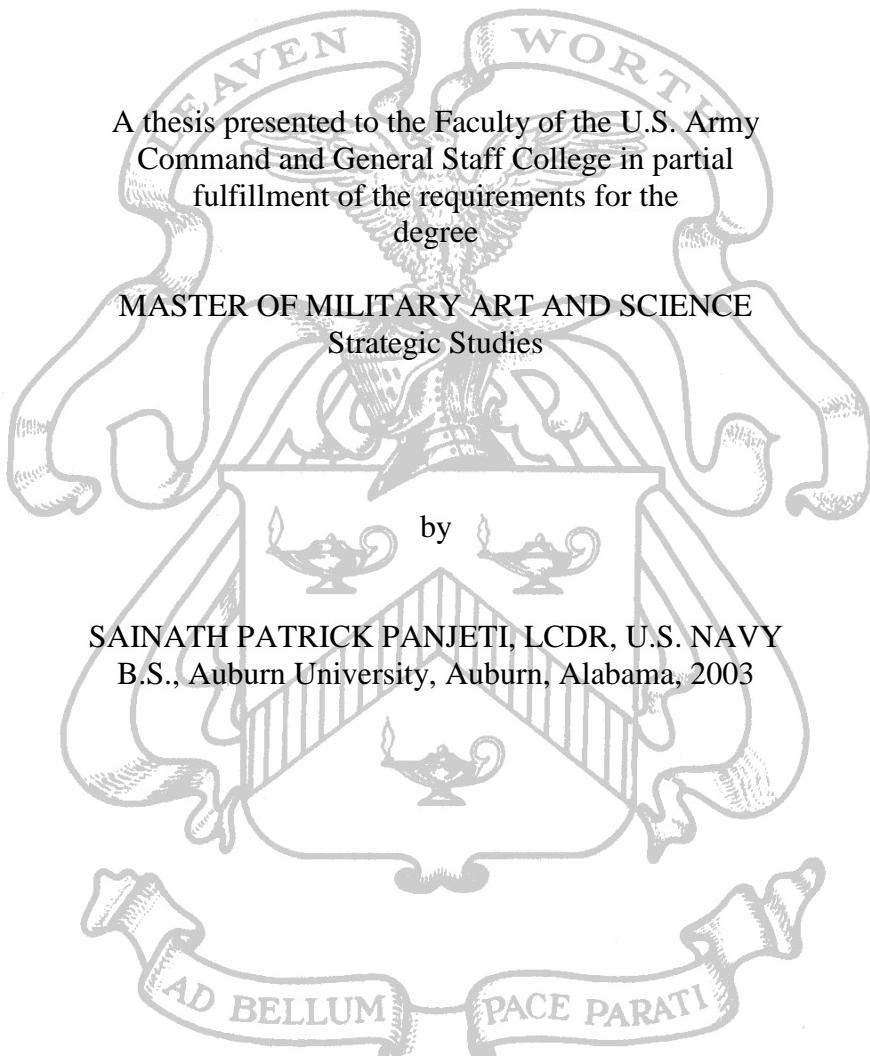


PRESERVING FREEDOM OF NAVIGATION IN THE SOUTH CHINA  
SEA AND THE STRATEGIC SIGNIFICANCE OF THE  
PHILIPPINES TO U.S. MARITIME STRATEGY



A thesis presented to the Faculty of the U.S. Army  
Command and General Staff College in partial  
fulfillment of the requirements for the  
degree

MASTER OF MILITARY ART AND SCIENCE  
Strategic Studies

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2016

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## ABSTRACT

PRESERVING FREEDOM OF NAVIATION IN THE SOUTH CHINA SEA AND THE STRATEGIC SIGNIFICANCE OF THE PHILIPPINES TO U.S. MARITIME STRATEGY, by LCDR Sainath Patrick Panjeti, 108 pages.

The People's Republic of China (PRC) policies on the South China Sea (SCS) have created an environment of uncertainty and an area for miscalculation of military forces. This research will discuss the legal basis of Freedom of Navigation, the PRC's interpretation of the United Nations Convention on the Law of the Sea, their territorial claims in the Spratly Islands, and its impact on U.S. national security. The goal of this thesis is to identify and propose ways the Republic of the Philippines (RP) would be instrumental in phase-shaping, deterrence, and support of the U.S. SEVENTH Fleet during contingency operations in the region.

The conflict in the SCS will not be resolved anytime soon. China opposes any form of international arbitration and its strategy consists of maintaining the Nine-Dash Line status quo, slowly increasing its naval presence and making small advances to build on its excessive claims. The rise of China's navy, its policies on the SCS and the U.S. stance on freedom of the seas in the global commons will clearly impact future military interactions. The increasing likelihood of direct engagement against U.S. forces and its treaty ally based on tactical miscalculation is a serious cause for concern; re-examining U.S. policy on the SCS and the U.S.-RP partnership-building strategy is necessary.

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## TABLE OF CONTENTS

	Page
MASTER OF MILITARY ART AND SCIENCE THESIS APPROVAL PAGE .....	iii
ABSTRACT.....	iv
ACKNOWLEDGMENTS .....	v
TABLE OF CONTENTS.....	vii
ACRONYMS.....	ix
ILLUSTRATIONS .....	xi
CHAPTER 1 INTRODUCTION .....	1
Background.....	1
Purpose and Research Goals.....	5
Primary Research Question .....	5
Secondary Research Questions.....	5
Significance .....	6
Assumptions.....	6
Limitations .....	7
Summary .....	8
CHAPTER 2 LITERARY REVIEW AND RESEARCH METHODOLOGY .....	9
Overview of Literature in the South China Sea.....	9
China's Nine-Dash Line .....	11
Chinese Resolve.....	15
Exclusive Economic Zone: Another Friction Point.....	17
U.S. Policy in the Western Pacific.....	18
United States-Philippines Security Ties .....	21
The Philippines' Claim to the South China Sea .....	22
Research Methodology and Outline .....	25
CHAPTER 3 ANALYZING THE OPERATIONAL ENVIRONMENT.....	27
China's Political Power and Type of Government .....	27
The Legal Framework in the South China Sea .....	30
China's Navy .....	35
The <i>Liaoning</i> and the Nimitz Class Aircraft Carriers .....	38
The Paramilitary Fishing Fleet.....	41
Code for Unplanned Encounters at Sea .....	42

The Philippine Navy and its Security Challenges .....	43
China's Economy.....	45
Dialing up Chinese Nationalism .....	48
The Geographic Landscape of the Philippines .....	52
Summary .....	55
 CHAPTER 4 ENDS, WAYS, MEANS .....	57
Ends: U.S. Goals in the South China Sea .....	58
Means: U.S. SEVENTH Fleet .....	59
Ways: Drivers toward the End State.....	63
Humanitarian Assistance/Disaster Relief .....	63
Freedom of Navigation Operations.....	65
Commander, U.S. SEVENTH Fleet Military-to-Military Engagement with the Philippines .....	66
Exercise Balikatan .....	66
Cooperation Afloat Readiness and Training/ Southeast Asia Cooperation and Training.....	67
Pacific Partnership .....	69
Philippine Amphibious Landing Exercise .....	69
Port Visits.....	70
Assessing Risk .....	71
Center of Gravity and Critical Factors Analysis.....	73
Summary .....	75
 CHAPTER 5 CONCLUSIONS AND RECOMMENDATIONS .....	77
Research Conclusions .....	77
For Want of a Nail, the Sea was Lost .....	80
Freedom of Navigation Operations.....	81
Regional Instability and the Permanent Court of Arbitration in the Hague Ruling .....	85
The Anti-Access, Aerial Denial Environment .....	88
 BIBLIOGRAPHY .....	89

## ACRONYMS

A2AD	Anti-Access, Area Denial
AFP	Armed Forces of the Philippines
AOR	Area of Responsibility
ASBM	Anti-Ship Ballistic Missile
ASCM	Anti-Ship Cruise Missile
BK	Balikatan
BRP	<i>Bunca ng Republika ng Pilipinas</i> (Ship of the Republic of the Philippines)
C7F	Commander, U.S. SEVENTH Fleet
CARAT	Cooperation Afloat Readiness and Training
CC	Critical Capabilities
COG	Center of Gravity
CPX	Command Post Exercise
CR	Critical Requirements
CTF	Commander, Task Force
CUES	Code for Unplanned Encounters at Sea
CV	Critical Vulnerabilities
DOD	U.S. Department of Defense
DOS	U.S. Department of State
EDCA	Enhanced Defense Cooperation Agreement
EEZ	Exclusive Economic Zone
FONOP	Freedom of Navigation Operations
FTX	Field Training Exercise
GDP	Gross Domestic Product

HA/DR	Humanitarian Assistance/Disaster Relief
KIG	Kalayaan Island Group
MDT	Mutual Defense Treaty
NDL	Nine-Dash Line
NSS	U.S. National Security Strategy
PACFLT	U.S. Pacific Fleet
PACOM	U.S. Pacific Command
PCA	Permanent Court of Arbitration in the Hague
PHIBLEX	Philippine Amphibious Landing Exercise
PLA-N	People's Liberation Army-Navy
PMESII	Political, Military, Economic, Social, Information, Infrastructure Analysis
PN	Republic of the Philippines Navy
PP	Pacific Partnership
PRC	People's Republic of China
QDR	Quadrennial Defense Review
ROC	Republic of China (Taiwan)
RP	Republic of the Philippines
SCS	South China Sea
SEACAT	Southeast Asia Cooperation and Training
SECDEF	Secretary of Defense
SLOC	Sea Lines of Communication
TTS	Territorial Seas
UN	United Nations
UNCLOS	U.N. Convention on the Law of the Sea

## ILLUSTRATIONS

	Page
Figure 1. People’s Republic of China Nine-Dash Line Map Submitted as Note Verbalese to the United Nations, 2009 .....	2
Figure 2. Republic of China’s 1947 11-Dash Line Map Entitled “Map of South China Sea Islands” .....	13
Figure 3. Summary of Total Actions Taken by each Country Claimant in the South China Sea.....	16
Figure 4. Republic of China’s 1947 11-Dash Line Map in Green Compared with the People’s Republic of China 2009 Map accompanied by the 2009 United Nations Notes Verbales in Red.....	29
Figure 5. Maritime Zones as Defined in the United Nations Convention on the Law of the Sea.....	32
Figure 6. The People’s Republic of China Claimed Straight Baselines Submitted May 15, 1996 .....	33
Figure 7. Locations and Assets of the People’s Liberation Army-Navy’s Three Fleets.....	39
Figure 8. The <i>Liaoning</i> in Comparison to the Nimitz-Class Carrier and other Aircraft Carriers in the Indo-Pacific .....	40
Figure 9. China’s Nominal Gross Domestic Product, 2012-2015 Showing a Negative Trend in Quarterly Growth since 2012.....	47
Figure 10. Locations of Military Bases for U.S. Military Access under the Enhanced Defense Cooperation Agreement .....	54
Figure 11. Numbering System for Task Forces Subordinated to Commander, SEVENTH Fleet .....	62
Figure 12. Friendly Forces Center of Gravity Analysis of the South China Sea .....	74
Figure 13. Adversarial Center of Gravity Analysis of the South China Sea.....	75
Figure 14. Political Cartoon Depicting President Aquino using the U.S. Military Strength as Leverage against Chinese Encroachment in the South China Sea.....	79

Figure 15. Daily Crude Oil Trade Flows from the Indian Ocean to the South China  
Sea.....84

## CHAPTER 1

### INTRODUCTION

We need to think about all scenarios, not just the ones we've been dealing with over the last several years where we've enjoyed basic air superiority and basic sea superiority. There are places in the world where in this century we won't have them.

— Admiral Samuel Locklear,  
Speech at Naval Surface Warfare Symposium

#### Background

In March 2015, the U.S. Navy, Marine Corps, and Coast Guard released maritime doctrine titled, *A Cooperative Strategy for 21st Century Seapower*. This document creates and defines a new function to sea power: all domain access. All domain access reflects the need to ensure maritime forces can operate freely in international waters as required. Nowhere in the world is all domain access more applicable than the South China Sea (SCS) where U.S. freedom of navigation and overflight is challenged while 30 percent of the world's maritime trade transits annually—including approximately \$1.2 trillion in ship-borne trade bound for the United States.<sup>1</sup>

The SCS contains over 180 rocks, shoals, and reefs at high tide; virtually all are claimed by the People's Republic of China (PRC)/Republic of China (ROC) and in part by Vietnam, the Philippines, Malaysia, and Brunei. The PRC claims sovereignty over

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<sup>1</sup> U.S. Energy Information Administration, “South China Sea,” February 7, 2013, accessed June 8, 2016, <http://www.eia.gov/beta/international/regions-topics.cfm?RegionTopicID=SCS>.

most of the SCS based on their “historic rights” of the Nine-Dash Line (NDL),<sup>2</sup> which skirts the coasts of other countries, and in the case of the Philippines, inside their territorial waters (see figure 1). China has been attempting to redefine the internationally accepted the United Nations Convention on the Law of the Sea (UNCLOS), regarding access and ownership of resources in the SCS based on these historic rights.

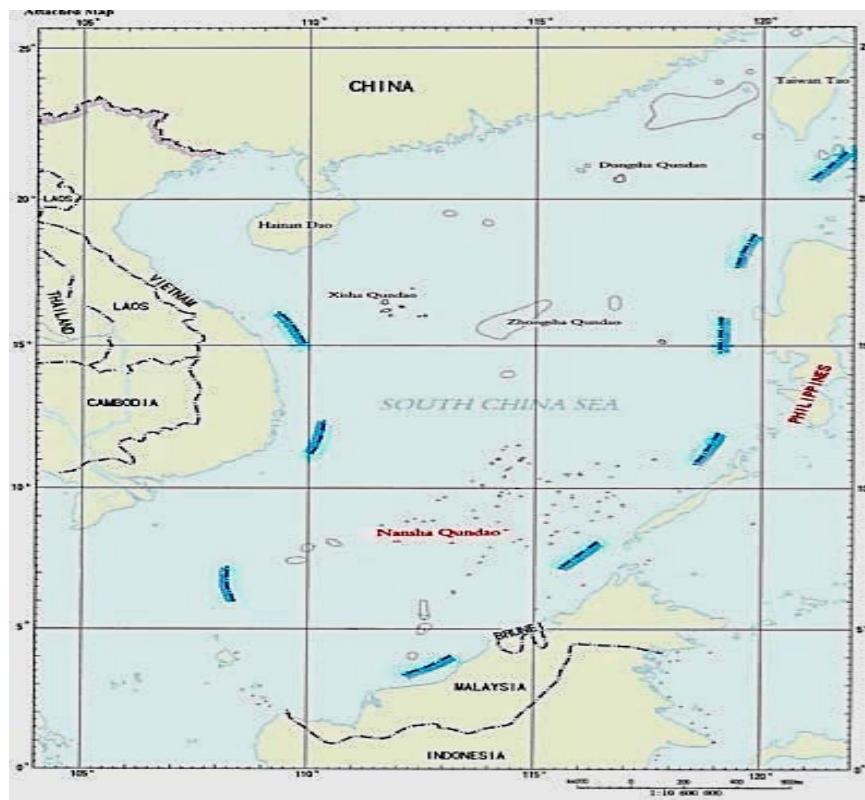


Figure 1. People’s Republic of China Nine-Dash Line Map Submitted as Note Verbalese to the United Nations, 2009

Source: Ronald O’Rourke, *Maritime Territorial and Exclusive Economic Zone Disputes Involving China: Issues for Congress* (Washington, DC: Library of Congress, 2014), 21.

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<sup>2</sup> The Chinese added these territorial claims on their maps in 1947 and were ignored by the international community on the assumption that it was a cartographical annotation of China’s claim to all the land features within the SCS.

China also translates any military activities in their claimed NDL to be unlawful. This dispute is at the heart of incidents between Chinese and U.S. Naval assets conducting patrols in international waters and airspace. Specifically:

1. March 2001, September 2002, March 2009, and May 2009: Chinese ships and aircraft confronted and harassed the USNS ships BOWDITCH, IMPECCABLE, and VICTORIOUS as they were conducting survey and ocean surveillance operations in China's EEZ.
2. April 1, 2001: Chinese fighter collides with a U.S. Navy EP-3 electronic surveillance aircraft flying in international airspace about 65 miles southeast of China's Hainan Island in the South China Sea, forcing the EP-3 to make an emergency landing on Hainan Island.
3. December 5, 2013: Chinese navy ship puts itself in the path of the USS COWPENS as it was operating 30 or more miles from China's aircraft carrier *Liaoning*, forcing the COWPENS to change course to avoid a collision.
4. August 11, 2014: Chinese fighter conducts an aggressive and risky intercept of a U.S. Navy P-8 maritime patrol aircraft that was flying in international airspace about 135 miles east of Hainan Island.<sup>3</sup>

While there are significantly more incidents that involve PRC aggression against the U.S. Navy, the seven accounts only mention open source reporting. What is more alarming than China's nebulous territorial claims and translation of UNCLOS is their land-grab campaign in the disputed islands. Since 2013, the Chinese reclaimed over 1.2 million square feet of shoals and reefs into de-facto islands. According to the Center for Naval Analysis,<sup>4</sup> these artificial islands are being developed with runways and wharfs capable of supporting military air/sea ports of debarkation, which would indicate an Anti-

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<sup>3</sup> Ronald O'Rourke, *Maritime Territorial and Exclusive Economic Zone Disputes Involving China: Issues for Congress* (Washington, DC: Library of Congress, 2014), 12.

<sup>4</sup> Michael McDevitt, *The South China Sea: Assessing U.S Policy and Options for the Future*, CNA Occasional Paper (Arlington, VA: Center for Naval Analysis and Solutions, October 2014), iii-iv, 4.

Access Area, Denial strategy (A2AD), with the aim of legitimizing China's sovereignty claims to the international community.

The U.S. does not officially recognize China's NDL or any other countries' territorial claims in the SCS, and expects all nations to comply with the internationally recognized law of the sea.<sup>5</sup> U.S. policy in the conflict is to pursue a peaceful means of resolving the countries' disputes in a multilateral setting or third-party mediation, whereas China's strategy is to approach each country bilaterally offering economic coercion or applying military intimidation.

As of May 2016, the Republic of the Philippines (RP) is the only country challenging China's claims with a third party by filing a case in the Permanent Court of Arbitration in the Hague (PCA). China has stated that it would not participate in the case as they felt the tribunal held no jurisdiction on maritime claims and the Philippines was violating a bilateral code of conduct previously signed with China.<sup>6</sup> However, in October 2015, the arbitration tribunal formed under the UNCLOS ruled it had jurisdiction to proceed with the Philippines' case against China. Taiwan, alternately referred to as The ROC, share the same NDL claim as the PRC, and on May 11, 2016, submitted a claim to the Spratly Islands to the PCA. The ROC specifically argues that the inhabited reef of Itu

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<sup>5</sup> Office of Ocean and Polar Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Limits in the Seas, No. 143, *China: Maritime Claims in the South China Sea* (Washington, DC: U.S. Department of State, December 5, 2014), accessed June 8, 2016, <http://www.state.gov/documents/organization/234936.pdf>, 23-24.

<sup>6</sup> Ankit Panda, "Philippines vs China: Might, Right, and the International Law in the SCS," *The Diplomat*, July 17, 2015, accessed June 8, 2016, <http://thediplomat.com/2015/07/philippines-versus-china-might-right-and-international-law-in-the-south-china-sea/>.

Aba is entitled to be sovereign based on its island-like features. This new submission by the ROC will likely delay the court's ruling regarding the legality of the NDL.

### Purpose and Research Goals

The PRC's policies on the SCS have created an environment of uncertainty and an area for miscalculation of military forces. This research paper will address the PRC's interpretation of UNCLOS, their territorial claims in the Spratly Islands, and its adverse impacts to U.S. maritime security. One research goal is to identify and propose ways the Philippines would play an instrumental role during phase-zero, deterrence, and support to the Coalition Forces Maritime Component Commander in the event of contingency operations in the SCS. Lastly, this paper will also analyze the U.S.-RP relationship, the current theater security cooperation programs in place, identify the shortfalls, and determine how to increase ties between the two countries in order to better meet mutually beneficial objectives of maritime security in the SCS.

### Primary Research Question

How will an increased partnership between the United States and the RP navies support U.S. security objectives in the SCS?

### Secondary Research Questions

1. What are the strategies of the United States and China in the SCS?
2. What are the risks associated with U.S. national interests in the SCS?
3. What are the weaknesses of the current U.S. activities in preserving Freedom of Navigation and how can they be mitigated?

### Significance

If China holds firm on how an Exclusive Economic Zone (EEZ) is defined and are creating forward staging bases in support of an A2AD environment, freedom of navigation is challenged and the Joint Forces Maritime Component Command's options in the SCS are limited based on the location of SEVENTH Fleet's forces in Japan with the exception of a littoral combat ship forward deployed in Singapore. The PCA will likely rule in favor of the Philippines since the NDL contradicts UNCLOS, but the Chinese will also likely ignore that decision.<sup>7</sup> Aside from Freedom of Navigation in the global commons, this study is also significant due to the relationship shared by the United States and the Philippines. If China attacked a Philippine naval or coast guard vessel, shot down a Philippine military aircraft, or killed or wounded members of the Philippine armed forces, then Article-V of the U.S.-RP Mutual Defense Treaty (MDT) of 1951 would be applicable, calling upon the United States for military aid, especially if the Spratly Islands are legally claimed by the Philippines<sup>8</sup>.

### Assumptions

The first assumption presumes the SCS will continue to be a critical Sea Line of Communication (SLOC) for global commerce, and freedom of navigation will remain a concern to national security; therefore the United States will desire and plan for a

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<sup>7</sup> Mark E. Rosen, *Philippine Claims in the South China Sea: A Legal Analysis* (Arlington, VA: Center for Naval Analysis, August, 2014), iv.

<sup>8</sup> U.S. Department of State (DOS), *Mutual Defense Treaty of 1951 between the United States and the Republic of the Philippines; August 30, 1951* (MDT) Lillian Goldman Law Library, Yale Law School, accessed June 8, 2016, [http://avalon.law.yale.edu/20th\\_century/phil001.asp](http://avalon.law.yale.edu/20th_century/phil001.asp).

continuous naval presence in the region such as USS *LASSEN*'s Freedom of Navigation Operation (FONOP) held in October 2015. Second, an interest exists within the United States to better align strategic goals with the Philippines and the cooperative nature of the U.S.-RP relationship will continue due to the RP's stated "enduring interest of the [Philippines] to forge harmonious engagement and relationship with other nations."<sup>9</sup>

### Limitations

No classified material will be referenced in this research paper. To identify the national security objectives and challenges to U.S. maritime forces in the SCS, research data will include (but is not limited to) the 2015 *National Security Strategy*, the Department of Defense (DOD) *Asia Pacific Maritime Security: Achieving U.S. National Security Objectives in a Changing Environment*, and the tri-service doctrine, *A Cooperative Strategy for the 21st Century*. Data to support this thesis will include reports from the Center for Naval Analysis, such as *The Long Littoral Project: South China Sea* and *The South China Sea: Assessing U.S. Policy and Options*, a U.S. Army Command and General Staff College Master of Military Art and Science thesis, "The South China Sea Territorial Disputes: The Catalyst for a United States-Vietnamese Security Partnership," several reports from the Congressional Research Service, and the DOD's 2015 *Annual Report to Congress: Military and Security Developments Involving the People's Republic of China*.

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<sup>9</sup> President of the Philippines, 2011-2016, *National Security Policy: Securing the Gains of Democracy* (Manila, Philippines: Republic of The Philippines, 2011), accessed June 8, 2016, <http://www.gov.ph/downloads/2011/08aug/NATIONAL-SECURITY-POLICY-2011-2016.pdf>.

The territorial disputes and historical claims in the region are wide and complex. This paper will limit the scope of research to the Spratly Islands and Scarborough Shoal with less emphasis on the Paracels and Hainan Island since those land masses hold little significance to increasing maritime security ties with the Philippines.

Lastly, this paper will primarily discuss objectives and strategic interests of the United States, China, and the Philippines; other countries such as Malaysia, Vietnam, Brunei, and Taiwan may play critical roles in the future outcomes of the region, but the research will be limited to the aforementioned principal nations. The Philippines is the primary focus for this research as a critical security partner for stability to the United States. Other Association of Southeast Asian Nations countries such as Indonesia will be mentioned when applicable, when referring to events that transpired in the past, supporting this research.

### Summary

The conflict in the SCS will not be resolved anytime soon. China opposes any form of international arbitration and its strategy consists of maintaining the NDL status quo, slowly increasing its naval presence and making small advances to build on its excessive claims. The NDL contradicts UNCLOS and will likely remain a contentious regional security issue regardless of the outcome of pending international litigation. The rise of China's military, its policies on the SCS and the U.S. stance on freedom of the seas in the global commons will clearly impact future military interactions. The increasing likelihood of direct military engagement by China against U.S. and RP forces due to misunderstanding or miscalculation is a serious cause for concern; re-examining U.S. policy on the SCS and the U.S.-RP partnership-building strategy is necessary.

## CHAPTER 2

### LITERARY REVIEW AND RESEARCH METHODOLOGY

The purpose of this chapter is to conduct an open source literature review of the governments of the PRC, United States, RP and their stance on the SCS. The region's strategic significance, the basis of China's NDL claim, strategic documents regarding U.S. policy in the SCS and the RP's claims in the SCS will be examined. This analysis will provide the reader an overview of how the region became a flashpoint for future conflict. Following the literature review, the methodology and outline of this research will be discussed.

#### Overview of Literature in the South China Sea

The Caribbean one hundred years ago is a useful metaphor in looking at the SCS in the modern day. At the turn of the twentieth century, the Caribbean was one of the major challenges facing U.S. foreign policy. Upon President William McKinley's assassination in 1901, Theodore Roosevelt inherited the task of enforcing American influence against European powers who had planted themselves in the region for well over one hundred years. Robert Kaplan's, *Asia's Cauldron: The South China Sea and the End of a Stable Pacific*, published in 2014, provides an excellent source of background information regarding the territorial disputes in the SCS. In his book, Kaplan does a comparative analysis on the SCS conflict today and that of the Caribbean during the McKinley-Roosevelt-Taft Administrations.

Kaplan tells how one hundred years ago, ambitious foreign policy officers focused on becoming Caribbean specialists. During that time, whoever controlled the

Caribbean in the Atlantic had full control of access to the Western Hemisphere. The U.S. strategy was not to go to war with any of the competing European powers but instead the United States created the means where European powers would not return to the Caribbean such as collaborating with the British Navy to end slave trade (the Caribbean was a critical SLOC for the slave trade in the nineteenth century).<sup>10</sup> This strategy was effective. Once the slave trade was outlawed, the Europeans' footprint in the Caribbean significantly diminished. The United States eventually gained unhindered control of the Caribbean, which led the way for the United States to become a regional and ultimately, world superpower.

Shifting to present day, the PRC now draws on the SCS the same way the United States did the Caribbean over a century ago. The SCS is China's Caribbean.<sup>11</sup> With its vital SLOC into the Indian Ocean, the Malacca Strait, it bears a striking resemblance to the U.S. enclosed middle seas. The PRC also sees the SCS as a natural shield; a blue water extension of their land mass.<sup>12</sup> Hong Kong and Macau have been returned to Chinese control, and if the U.S. Navy has a hard time entering the SCS, they will possess unhindered access to the Indian Ocean—mastery of the SCS will transform China from a regional power in Asia, to a world power. The Chinese are making a strong case for complete control of the SCS based on their militarizing actions such as developing an underground submarine base in Yalong Bay off Hainan Island: navies use ballistic

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<sup>10</sup> Robert D. Kaplan, *Asia's Cauldron: The South China Sea and the End of a Stable Pacific* (New York: Random House, 2014), Kindle 592.

<sup>11</sup> Ibid., 284.

<sup>12</sup> Ibid.

submarines for sea control and deterrence, not patrols. After recently fortifying seven of their eight outposts in the SCS with deep draft ports and airfields for fixed-wing attack craft, the Chinese were clearly creating an A2AD environment in the region.

Chinese ambition in developing an A2AD environment in the SCS is often referred to by political-military analysts as a “salami-slice” strategy where the PRC takes small, subtle but coercive moves so as to not provoke action from other claimants to slowly shift the status quo to China’s favor.<sup>13</sup> Unlike the United Sovier Socialist Republics during the Cold War, the Chinese will not demonstrate overwhelming military might but instead employ paramilitary assets such as a fishing fleet or Coast Guard vessels with water cannons to defend their claims. Kaplan suggests the salami-slice strategy will soon end now that China has developed the means to challenge the U.S. Navy in entering the SCS especially with the People’s Liberation Army-Navy’s (PLA-N) pursuit of a blue water navy where construction of a second aircraft carrier is currently expected to be operational in 2020.

#### China’s Nine-Dash Line

In May 2009, the PRC submitted two Notes Verbales<sup>14</sup> to the United Nations requesting that they be circulated to all country delegates.<sup>15</sup> The 2009 Notes Verbales

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<sup>13</sup> McDevitt, 33.

<sup>14</sup> Note Verbale is an unsigned, diplomatic communication memorandum written in the third person; also known as a “letter of protest.”

<sup>15</sup> Secretary-General, The United Nations, “Permanent Mission of the People’s Republic of China to the United Nations,” translation of CML 18/2009 (New York: United Nations, May 7, 2009), accessed June 8, 2016, [http://www.un.org/Depts/los/clcs\\_new/submissions\\_files/vnm37\\_09/chn\\_2009re\\_vnm.pdf](http://www.un.org/Depts/los/clcs_new/submissions_files/vnm37_09/chn_2009re_vnm.pdf); Secretary-General, The United Nations, “Permanent Mission of the People’s Republic of China to the United

contained China’s objections to the joint submissions of Vietnam and Malaysia along with Vietnam’s individual claim to areas in the SCS, stating:

China has indisputable sovereignty over the islands in the South China Sea and the adjacent waters, and enjoys sovereign rights and jurisdiction over the relevant waters as well as the seabed and subsoil thereof (see attached map). The above position is consistently held by the Chinese government, and is widely known by the international community.<sup>16</sup>

The map referred to in China’s Notes Verbales (shown in figure 1), depicts nine line segments, or around waters, reefs, and shoals of the SCS. Vietnam, Indonesia, and the Philippines subsequently objected to the contents of China’s 2009 Notes Verbales, asserting that the PRC’s claims reflected in the NDL map were without basis under the international law of the sea.<sup>17</sup> In 2011, China requested that another Note Verbale be communicated to United Nations (UN) member states, which reiterated the first sentence above, and added “China’s sovereignty and related rights and jurisdiction in the South China Sea are supported by abundant historical and legal evidence.”<sup>18</sup>

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Nations,” translation of CML 17/2009 (New York: United Nations, May 7, 2009), accessed June 8, 2016, [http://www.un.org/Depts/los/clcs\\_new/submissions\\_files/mysvnm33\\_09/chn\\_2009re\\_mys\\_vnm\\_e.pdf](http://www.un.org/Depts/los/clcs_new/submissions_files/mysvnm33_09/chn_2009re_mys_vnm_e.pdf).

<sup>16</sup> Ibid.

<sup>17</sup> Division for Ocean Affairs and the Law of the Sea, *Commission on the Limits of the Continental Shelf (CLCS) Outer limits of the continental shelf beyond 200 nautical miles from the baselines: Submissions to the Commission: Joint submission by Malaysia and the Socialist Republic of Viet Nam*, United Nations, updated May 3, 2011, accessed June 8, 2016, [http://www.un.org/Depts/los/clcs\\_new/submissions\\_files/submission\\_mysvnm\\_33\\_2009.htm](http://www.un.org/Depts/los/clcs_new/submissions_files/submission_mysvnm_33_2009.htm).

<sup>18</sup> Secretary-General, The United Nations, “Permanent Mission of the People’s Republic of China to the United Nations,” translation of CML 8/2011 (New York: United Nations, April 14, 2011), accessed June 8, 2016, [http://www.un.org/Depts/los/clcs\\_new/submissions\\_files/mysvnm33\\_09/chn\\_2009re\\_mys\\_vnm\\_e.pdf](http://www.un.org/Depts/los/clcs_new/submissions_files/mysvnm33_09/chn_2009re_mys_vnm_e.pdf).

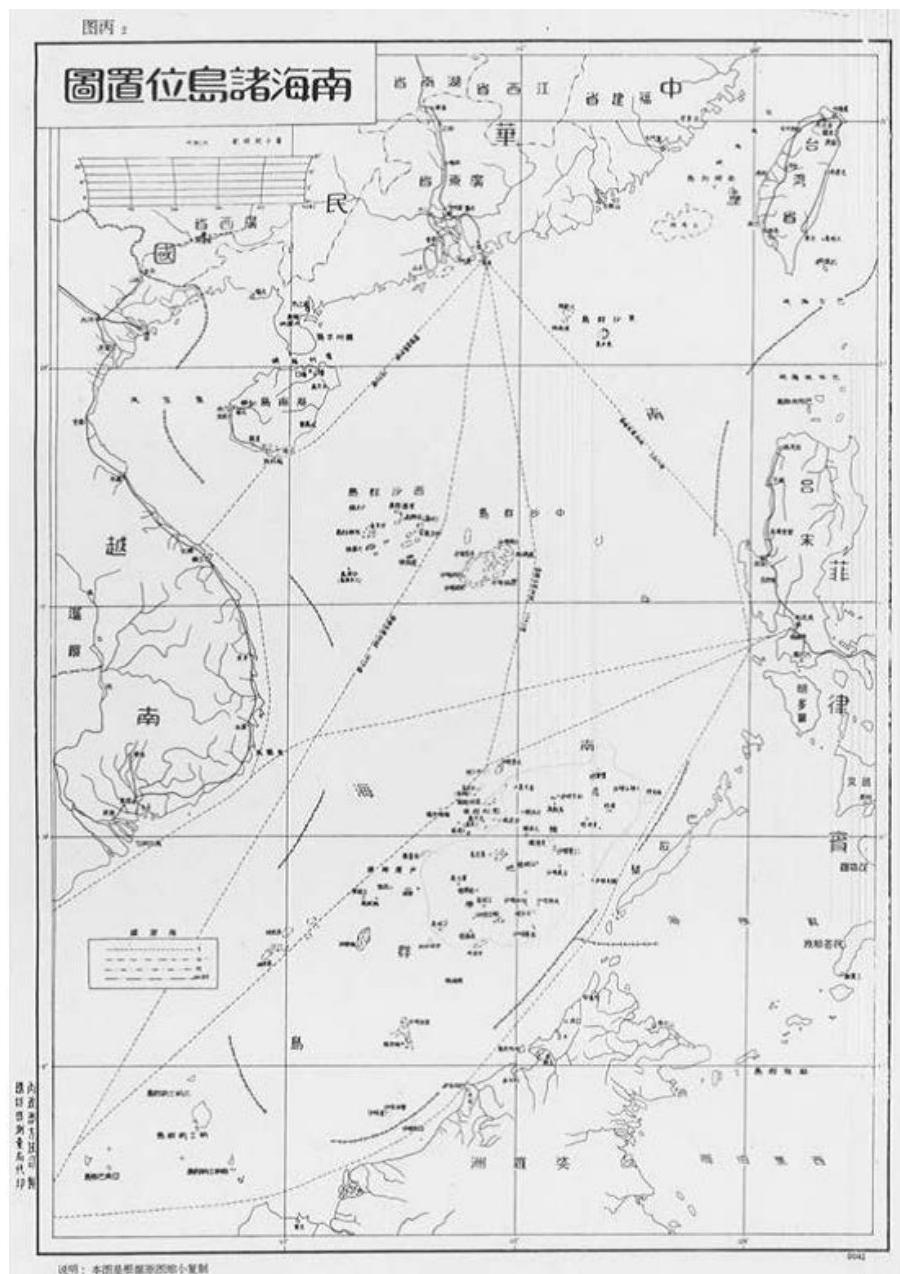


Figure 2. Republic of China's 1947 11-Dash Line Map  
Entitled "Map of South China Sea Islands"

*Source:* Office of Ocean and Polar Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Limits in the Seas, No. 143, *China: Maritime Claims in the South China Sea* (Washington, DC: U.S. Department of State, December 5, 2014), accessed June 8, 2016, <http://www.state.gov/documents/organization/234936.pdf>, 3.

As of May 2016, the PRC has still not submitted any official statements to the international community on the legality of its claim associated with the NDL map or how it pertains to UNCLOS. Five years following the PRC’s NDL submission to the UN, the U.S. Department of State (DOS) conducted a comprehensive study of China’s claim and released its findings in December 2014. The report covered the history of the dash-line map and provided several possible interpretations of what China’s claim may mean.

According to the DOS’s study, China’s first dashed-line map pre-dated the existence of the current PRC government’s map, having been published in 1947 by the Nationalist Government of the Republic of China.<sup>19</sup> That map, which shows eleven dashes, is shown in figure 2. Scholarly accounts indicate the 1947 map, titled “Map of South China Sea Islands,” originated from an earlier chart from “Map of Chinese Islands in the South China Sea” published by the ROC’s Land and Water Maps Inspection Committee in 1935 and that Chinese maps produced after the establishment of the PRC in 1949 “appear to follow the old maps.”<sup>20</sup> The maps published by the current administration removed the two dashes originally depicted inside the Gulf of Tonkin.<sup>21</sup> Although not visible on the map submitted to the UN (figure 1), modern Chinese maps since at least 1984, including the vertically oriented maps published by China in 2013 and 2014,<sup>22</sup> also include a tenth dash line east of Taiwan.

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<sup>19</sup> Office of Ocean and Polar Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Limits in the Seas, No. 143, 5.

<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

<sup>22</sup> Wayne Ma, “China’s New Weapon in the Battle for the South China Sea is … a Vertical Map,” *The Wall Street Journal*, June 6, 2014, accessed June 8, 2016,

### Chinese Resolve

Although no further details were provided by China on what the NDL entailed, the PRC actively protected its interests in the SCS with military action. Rival claimants conducted patrols where they could to assert their sovereignty, but these countries were overmatched by the PLA-N (Operational Environment in the SCS will be discussed further in chapter 3). The National Defense University conducted a twelve-year study examining the tactics and actions employed by rival claimants in the SCS. The data compiled by the study in figure 3 shows China being the greatest end-user of employing the diplomacy, information, military and economic components of national power to advance their claims in the SCS.<sup>23</sup>

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<http://blogs.wsj.com/chinarealtime/2014/06/25/china-new-weapon-in-the-battle-for-the-south-china-sea-is-a-vertical-map/>.

<sup>23</sup> Christopher Young and Patrick McNulte, *China's Tailored Coercion and Its Rivals' Actions and Responses: What the Numbers Tell Us* (Washington, DC: Center for a New American Security, January 2015), 6.

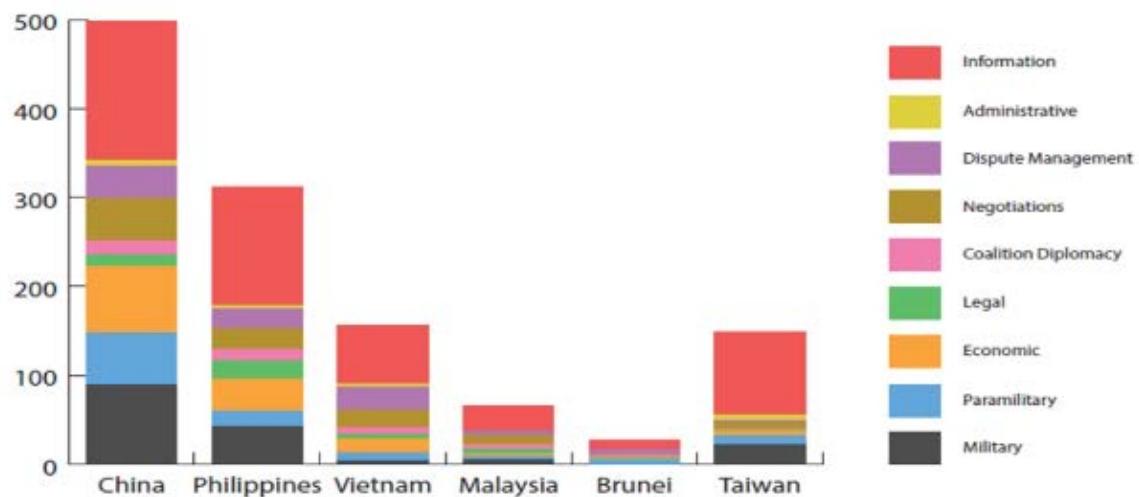


Figure 3. Summary of Total Actions Taken by each Country Claimant in the South China Sea

*Source:* Christopher Young and Patrick McNulte, *China's Tailored Coercion and Its Rivals' Actions and Responses: What the Numbers Tell Us* (Washington, DC: Center for a New American Security, January 2015), 4.

In December 2013, the PRC went beyond patrols and began large-scale reclamation of reefs and shoals in the Spratly Islands. China reclaimed land and significantly developed the infrastructure in seven of its eight Spratly outposts, adding more than 2,900 acres.<sup>24</sup> Specifically, these outposts were developed with airfields capable of landing and recovering large aircraft, and inlets were dredged for access to deep draft vessels; further implying an A2AD strategy.

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<sup>24</sup> U.S. Department of Defense (DOD), *Asia-Pacific Maritime Security Strategy: Achieving U.S. National Security Objectives in a Changing Environment* (Washington, DC: Government Printing Office, August 2015), 15-17.

### Exclusive Economic Zone: Another Friction Point

To add further complexity to the territorial conflicts in the SCS, the PRC is involved in a dispute with the United States over whether China has the legal right under UNCLOS to prohibit activities of other states' military forces operating inside China's EEZ. The Congressional Research Service published a report in December 2015 titled, *Maritime Territorial and Exclusive Economic Zone Disputes Involving China: Issues for Congress*. The author, Ronald O'Rourke, provides a thorough analysis on the Chinese interpretation of UNCLOS and how it pertains to their EEZ. According to the Congressional Research Service report, the PRC recognizes Freedom of Navigation for merchant shipping only, and no states have the right under UNCLOS for military forces to operate in their EEZ.

The report documents a press conference held on August 12, 2015 with the PRC Ambassador to the Philippines, Zhao Jianhua, the day following a near mid-air collision between a U.S. Navy P-8 and an intercepting Chinese fighter over the Spatlys. When asked why China challenged the P-8 when the U.S. Navy pledged to respect Freedom of Navigation in the SCS, Zhao responded, "Freedom of navigation does not mean to allow other countries to intrude into the airspace or the sea which is sovereign. No country will allow that . . . We say freedom of navigation must be observed in accordance with international law. No freedom of navigation for warships and airplanes."<sup>25</sup>

Ambassador Zhao's comments present the PRC's interpretation of UNCLOS relative to the SCS and was the cause of military provocations against the U.S. Navy, as

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<sup>25</sup> O'Rourke, *Maritime Territorial and Exclusive Economic Zone Disputes Involving China*, 12.

detailed in chapter 1. Although the PRC will not allow any military forces to operate in their EEZ, it is worth noting the PLA-N has conducted multiple military activities inside the U.S. EEZ without expressed permission. One of those instances was during the execution of the Rim of the Pacific Exercise in July 2012 where an intelligence-gathering ship (an auxiliary general intelligence ship) was inside Hawaii's EEZ.<sup>26</sup> In July 2014, China participated for the first time in the Rim of the Pacific Exercise. In addition to the four ships that the PRC sent to participate, China sent an uninvited auxiliary general intelligence ship to observe the exercise without participating. In September 2014, another Chinese auxiliary general intelligence ship was operating inside Guam's EEZ as it observed Valiant Shield.<sup>27</sup> While the United States considers the PLA-N activities in its EEZ to be lawful, these contradictory operations undercut the PRC's position that similar foreign military activities in China's EEZ are unlawful.

#### U.S. Policy in the Western Pacific

Prior to the PRC submitting the NDL Notes Verbales to the UN, the SCS held low priority on the U.S. list of security concerns in Asia. Despite a large maritime presence in the region, the United States held no stance on the territorial disputes. However, on July 2010, during the Association of Southeast Asian Nations Regional Forum, Secretary of State Hilary Clinton asserted that the United States had a “national interest” in maintaining Freedom of Navigation in the SCS and seeing the disputes resolved in a “collaborative diplomatic process without coercion,” and Washington was opposed to

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<sup>26</sup> O'Rourke, *Maritime Territorial and Exclusive Economic Zone Disputes Involving China*, 70.

<sup>27</sup> Ibid., 78.

“the use or threat of force by any party.”<sup>28</sup> Current U.S. national policy documents such as President Barack Obama’s 2015 *National Security Strategy* (NSS), reiterates Secretary Clinton’s remarks in 2010. The NSS states:

The United States has an enduring interest in freedom of navigation and overflight as well as the safety and sustainability of the air and maritime environments. We will therefore maintain the capability to ensure the free flow of commerce, to respond quickly to those in need, and to deter those who might contemplate aggression. We insist on safe and responsible behaviors in the sky and at sea. We reject illegal and aggressive claims to airspace and in the maritime domain and condemn deliberate attacks on commercial passenger traffic. On territorial disputes, particularly in Asia, we denounce coercion and assertive behaviors that threaten escalation. We encourage open channels of dialogue to resolve disputes peacefully in accordance with international law. We also support the early conclusion of an effective code of conduct for the South China Sea between China and the Association of Southeast Asian States (ASEAN).<sup>29</sup>

The above language in the NSS provides insight into the focal point of U.S. policy and how objectives have shifted to the Western Pacific. The NSS is also important in this research since it places significant emphasis on increasing security relationships with U.S. allies in Asia; particularly the Philippines being specifically mentioned for building a closer partnership. The next policy document for review is the 2014 *Quadrennial Defense Review* (QDR).

The QDR is an assessment of DOD strategy and priorities, and is reported to Congress every four years. The latest QDR was released in March 2014, under former Secretary of Defense (SECDEF) Chuck Hagel, providing a clear shift towards the changing security environment and towards Western Pacific as the rising center of global

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<sup>28</sup> U.S. Department of State, “Hillary Rodham Clinton Secretary of State National Convention Center, Hanoi Vietnam,” July 23, 2010, accessed June 8, 2016, <http://www.state.gov/secretary/20092013clinton/rm/2010/07/145095>.

<sup>29</sup> U.S. President, *National Security Strategy* (NSS) (Washington, DC: The White House, February 2015), 13.

influence. The QDR provided security priorities, and the first priority listed was the “rebalancing to the Asia-Pacific region to preserve peace and stability.”<sup>30</sup> The QDR points out that U.S. interests are linked to the security and stability of the Western Pacific and that the region is experiencing growing economic output and a correlation with increased military spending. The QDR also notes increased competition over access to global domains (more specifically, the SCS). One strategy to deal with these security concerns is to advance security cooperation and increase partner-capacity in the region.<sup>31</sup> The QDR also outlined the positioning of naval forces in the Asia-Pacific region and providing tailored and responsive regionally aligned forces. The QDR provides a DOD perspective on the U.S. strategic rebalance towards Asia. It also describes how the DOD will function after more than a decade of Middle East conflict and during a time of fiscal austerity.

The final document for review is the DOD’s *Asia-Pacific Maritime Security Strategy*, released in August 2015. This document provides a comprehensive overview of the operating environment in the Western Pacific and outlines the DOD’s plan for ensuring the Freedom of Navigation in the global commons. The strategy details five lines of effort to achieve its desired end state:

1. Strengthening U.S. military capabilities in the maritime domain.
2. Building the maritime capacity of U.S. allies and partners.
3. Leveraging military diplomacy to reduce risk and build transparency.

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<sup>30</sup> Secretary of Defense, *Quadrennial Defense Review* (Washington, DC: Department of Defense, 2014), V.

<sup>31</sup> Ibid., 16.

4. Helping partners strengthen their maritime institutions, governance, and personnel training.

5. Strengthening the development of an open and effective regional security architecture.<sup>32</sup>

The main themes in the above lines of effort center on the call for increased security ties and development of partner capacity, where the Philippines is specifically mentioned.

Another highpoint of the document presents the current force posture of the U.S. armed forces, currently maintaining 368,000 military personnel in the Asia-Pacific region, and in the next five years, the U.S. Navy will increase the number of ships assigned to the Pacific Fleet by approximately 30 percent. The report also states that by the year 2020, 60 percent of U.S. naval air assets will be forward-based in the Pacific. The DOD also plans to procure 395 F-35 Joint Strike Fighters over the next several years, “many of which will be deployed to the Asia-Pacific region.”<sup>33</sup> This will be the main document to assess the operating environment in the SCS.

#### United States-Philippines Security Ties

The United States and the Philippines have maintained close security ties since the American colonial period. The Philippines has also been a strategic partner in the U.S. pivot to the Pacific. The latest Congressional Research Service Report on the Philippines by Thomas Lum and Ben Dolven, titled *The Republic of the Philippines and U.S. Interests–2014*, provides a complete historical narrative of the defense cooperation

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<sup>32</sup> DOD, *Asia-Pacific Maritime Security Strategy*, 20.

<sup>33</sup> Ibid., 19-20.

between the two countries. The authors also provide the internal and external security threats in which both the United States and RP have mutual objectives to eliminate.

The Philippines' territorial disputes with China remain tense with frequent run-ins between Filipino fishermen and PRC surveillance ships. The height of escalations occurred on April 2012 at the Scarborough Shoal, approximately twelve nautical miles west of Luzon and 800 nautical miles from China's mainland.<sup>34</sup> Following a Philippine boarding of a Chinese vessel illegally fishing in Scarborough, a standoff between two PRC surveillance ships and Philippine Navy ship occurred. This standoff lasted nearly two months until the United States became involved to diplomatically deescalate tensions. In June 2012, both parties verbally agreed to withdraw from the area by July. Despite the agreement, only the Philippines complied while China remained and cordoned off parts of the shoal to prevent Philippine access, giving China control of Scarborough. Chinese acts of aggression in the SCS such as the Scarborough incident create an environment of regional instability. The United States and the Philippines view China's actions as a measure to increase security ties, which led the way to the Philippines' approval of the Enhanced Defense Cooperation Agreement (EDCA). This agreement will allow U.S. military forces to access four air bases and one ground base located throughout the Philippines (EDCA will be covered in further detail in chapter 3).

#### The Philippines' Claim to the South China Sea

The Philippines' claim to the SCS are significant to this research because of the U.S.-RP MDT mentioned in chapter 1. The Center for Naval Analysis published a report

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<sup>34</sup> Thomas Lum and Ben Dolven, *The Republic of the Philippines and U.S. Interests—2014* (Washington, DC: Library of Congress, May 15, 2004), 16.

on August 2014 titled, *Philippine Legal Claims in the South China Sea: A Legal Analysis*.

This report provides complete background information on the RP's claims to the SCS.

The author, Captain Mark Rosen is a retired Navy lawyer who was the legal advisor to the Chief of Naval Operations and currently serves as the executive legal analyst to the Center for Naval Analysis.

When the United States ruled over the Philippine Islands, it was seen as an archipelago. It consisted of a large box of several islands and landmasses, which were all considered part of the Philippines. Once the United States granted Philippine independence in 1946, all the territories inside the treaty box were ceded to the modern day RP without protest by other states. In 1961, the RP abandoned the colonial box and modified its claims to contain eighty straight of baselines. In 2009, the RP ratified their territorial claims to be compliant to the archipelagic requirements of UNCLOS.<sup>35</sup>

The Philippines asserts claims to Scarborough Shoal as well as the Spratly Islands, which the Filipinos refer to as the Kalayaan island group (KIG). However, neither the Scarborough Shoal nor any of the Spratly Islands were inside the original treaty box. The basis for the Philippines' claims to sovereignty over Scarborough Shoal and the KIG differ both legally and historically.

The RP's KIG claim is based on the principle *Terra Nullius*.<sup>36</sup> The assertion is the Spratly Islands were abandoned post-World War II. A Filipino businessman by the name of Thomas Cloma, re-discovered the islands, established a settlement, and made the KIG

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<sup>35</sup> Rosen, *Philippine Claims in the South China Sea*, 16.

<sup>36</sup> *Terra Nullius*: Latin expression implying the occupation and settlement of unclaimed land.

a territory of the Philippines in 1956. By 1971, the Marcos Administration aggressively pursued the KIG as part of the Philippines. Thomas Cloma was jailed and under extreme duress, Cloma ceded all rights to the KIG and sold the territory to the government of the Philippines for one peso. In June 2011, the Philippines renamed the SCS and the Reed Bank as the Western Philippine Sea to further drive China's claims to the Spratly Islands.

The KIG claim includes Mischief Reef, which is currently occupied by the PRC. The KIG contains rich fishing areas as well as hydrocarbon deposits in vicinity of Reed Bank,<sup>37</sup> which is in the eastern portion of the Spratlys.

The RP's claim to Scarborough Shoal relies on a different principle. The Shoal contains five rocks that are above water at high tide, which the RP argues is part of their continental shelf and should be classified as a high-tide elevation, giving entitlement to be a part of the RP's archipelagic baseline. Scarborough Shoal is the largest atoll in the SCS and is a rich fishing area (The legality of maritime claims in the SCS will be discussed in detail in chapter 3). The Scarborough Shoal was the scene of a serious stand-off in April 2012 between the RP and PRC where two maritime surveillance vessels dispatched from China created a blockade against an RP warship attempting to prevent Chinese fishing vessels from harvesting marine resources. The shoals are currently controlled by China with active Coast Guard patrols preventing passage to Filipino fishermen.

Captain Rosen analyzed international laws of the seas, the claims of China and the Philippines and concluded that neither the RP or PRC have an overwhelmingly

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<sup>37</sup> Rosen, *Philippine Claims in the South China Sea*, 16.

significant case for ownership of the Spratly Islands or Scarborough Shoal, but the RP has a superior claim to Scarborough Shoal. Captain Rosen also concluded that the RP's KIG claim carries little weight as it stands on the same footing as China's NDL.

### Research Methodology and Outline

This research is qualitative in nature and will determine how effective U.S. plans and policies are in building its desired end state. A Political, Military, Economic, Social, Information, Infrastructure (PMESII) framework analyzes the operational environment and determines relevant and critical relationships between the various actors and aspects of the operational environment.<sup>38</sup> PMESII analysis will be used to understand and define the operational environment. The military component of national power will then be assessed in achieving its long-term goals; this will be outlined in an Ends, Ways, Means construct and Center of Gravity (COG) analysis from the Joint Operations Planning Process. Ends will define the grand strategy from the strategic documents. This will be translated into desired end states in an operational environment of the SCS. Ways are the types of activities designed to drive toward the objectives of the end state; and Means will be available maritime assets available to conduct such activities. In this case, the Means will be America's forward deployed naval force, Commander, U.S. SEVENTH Fleet (C7F).

Chapter 1 provided the context for the research, defined the problem, and limits the scope of the issues in the region. Chapter 2 contains the literary review, scene-setter for the reader, and research methodology. This chapter provides an overview of the

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<sup>38</sup> Joint Chiefs of Staff (JCS), Joint Publication (JP) 5-0, *Joint Operations Planning* (Washington, DC: Government Printing Office, 11 August 2011), III-3.

primary references used to develop this research and the methodology describes how this analysis will be organized. Chapter 3 defines the operational environment of the SCS using the PMESII framework to describe relevant geographic, military, and political factors in the SCS region, focusing on the United States, PRC, and RP. Chapter 4 is an assessment of the U.S. employment of the military instrument of national power by applying an Ends, Ways, Means, construct to capture its strategic goals. Friendly and adversarial COG analysis will then be conducted to identify critical elements in the event of increased escalation in the SCS. Chapter 4 concludes with a discussion on U.S. challenges in the region and will provide the reader the broad actions the United States must take to achieve the desired end state. Analyzing the options and the risks of those options will answer the primary research question; will an increased partnership between the United States and the RP navies support U.S. security objectives in the SCS? Chapter 5 will be the conclusions of the research. Recommendations based on the weaknesses identified in chapter 4 will be made, followed by related topics for further study.

## CHAPTER 3

### ANALYZING THE OPERATIONAL ENVIRONMENT

This chapter will conduct PMESII analysis of the SCS in order to assess the way ahead in conjunction with the 2015 NSS and the *Asia-Pacific Maritime Security Strategy*. The PMESII framework will specifically cover the adversarial and friendly forces in the SCS, where China is the adversarial focal point and the United States and her treaty allies/coalition partners are the friendly forces.

#### China's Political Power and Type of Government

The PRC administration's policy in the SCS is a point of confusion and contradiction to many in the international community. The PRC's stance on Freedom of Navigation in the SCS establishes restrictions pertaining to military vessels. According to China, all countries, to include the United States, require approval for warships and military aircraft prior to entry into the SCS. On February 25, 1992, the PRC passed the Territorial Seas and Contiguous Zone Act, in which China claimed the SCS was part of their territorial seas (TTS) and was therefore sovereign Chinese territory.<sup>39</sup> The Chinese ambassador to the Philippines reiterated this message in 2015 but the Chinese law of the SCS being China's TTS or otherwise, continues to be dismissed internationally.

Another contentious policy for many is the exact area and what can be exercised in and around the NDL. When the 2009 map was submitted to the partner countries of the UN, no geographic coordinates were provided leaving the Southeast Asian countries bordering the SCS to question where exactly China's demarcation line was for their EEZ.

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<sup>39</sup> O'Rourke, *Maritime Territorial and Exclusive Economic Zone Disputes Involving China*, 8.

Indonesia was the latest country to encounter this dispute. On the evening of March 19, 2016, Indonesia was involved in a standoff with Chinese fishermen between Indonesia's EEZ and China's NDL. The confrontation took place when a Chinese fishing boat, *MV Kway Fey*, was fishing approximately sixty-eight nautical miles off the coast of the northernmost island of the Natuna Archipelago.<sup>40</sup> *MV Kway Fey* was intercepted by Indonesian authorities who then arrested the eight crew members on board. The Chinese vessel was then being towed to Natuna Besar, the largest island in the Natuna Archipelago. Around 2:00 a.m. the following day, two Chinese Coast Guard ships intercepted their transit approximately two nautical miles from the Natuna coastline, where one of the Coast Guard ships rammed the *Kway Fey* breaking the tow line, and retrieving the fishing boat from Indonesian authorities.

Neighboring countries of Malaysia, Brunei, the Philippines, and Vietnam all experienced the same type of aggression from China regarding fishing rights in the SCS.<sup>41</sup> However, this incident is significant because it is the first time the PRC has ever enforced their territorial claims from a non-claimant country, enforced Chinese fishing rights outside of the cow's tongue, and also disregarded a state's sovereignty by entering well inside their TTS; a new unprecedeted level of hostility from China. The map in figure 4 shows Indonesia's Natuna Islands relative to the NDL. The northernmost island is clearly outside the NDL if one were to connect the dots. Although China's vague

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<sup>40</sup> Ankit Panda, "Understanding the Indonesia-China Row in the Natuna Islands," *The Diplomat*, March 25 2016, accessed June 8, 2016, <http://thediplomat.com/2016/03/south-china-sea-update-understanding-the-indonesia-china-row-in-the-natuna-islands/>.

<sup>41</sup> Michael McDevitt, Taylor M. Fravel, and Lewis M. Stern, *The Long Littoral Project: South China Sea, A Maritime Perspective on Indo-Pacific Security* (Arlington VA: Center for Naval Analysis and Solutions, March 2013), 6.

definition of the NDL does not specify coordinates on where dash-3 ends and where dash-4 begins, and a lack of consistency between the 1947 and the 2009 maps, it is apparent in figure 4 that the Natuna archipelago is well outside the NDL.

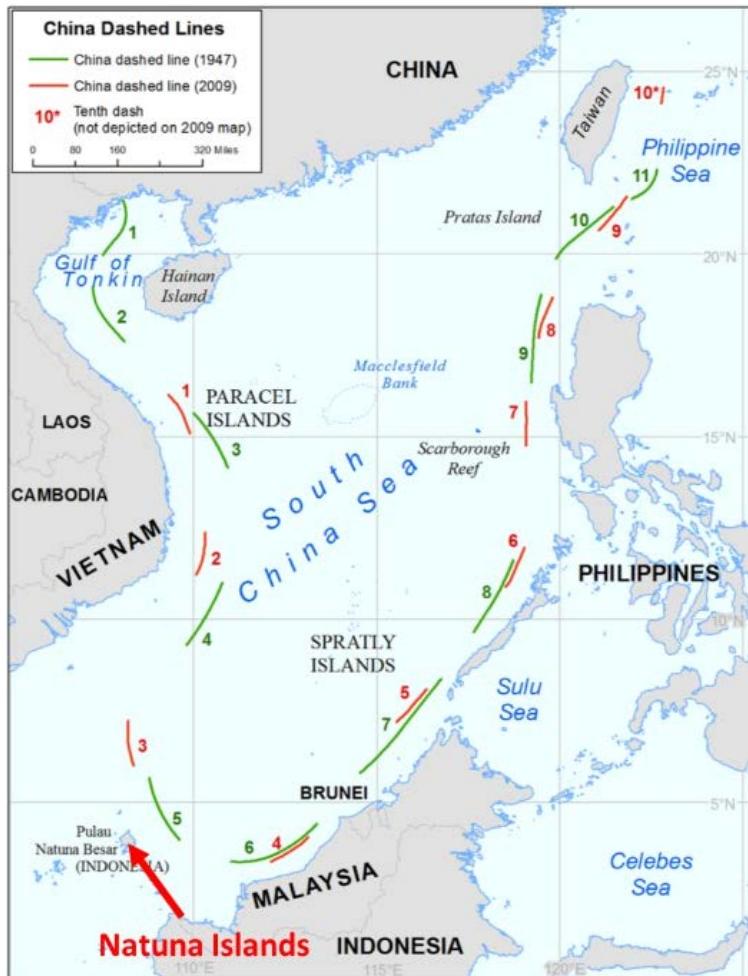


Figure 4. Republic of China's 1947 11-Dash Line Map in Green Compared with the People's Republic of China 2009 Map accompanied by the 2009 United Nations Notes Verbales in Red

*Source:* Office of Ocean and Polar Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Limits in the Seas, No. 143, *China: Maritime Claims in the South China Sea* (Washington, DC: U.S. Department of State, December 5, 2014), accessed June 8, 2016, <http://www.state.gov/documents/organization/234936.pdf>, 6. Notes: (1) Natuna Islands reference added by author; (2) the map also provides a reference to Indonesia's Natuna Archipelago relative to the NDL.

The Indonesian foreign minister met with the minister counselor of China's embassy in Jakarta<sup>42</sup> and submitted an official protest regarding the recent actions of Chinese fishermen and the Coast Guard had taken. China's foreign ministry responded by acknowledging Indonesian sovereignty over the Natuna Islands, but demanded the Chinese fishermen's release, stating they had been conducting "normal operations" in "traditional Chinese fishing grounds."<sup>43</sup> These comments would suggest the PRC are entitled to an EEZ outside of the NDL, and not just the land claims inside the cow's tongue; a complete contradiction of UNCLOS.

#### The Legal Framework in the South China Sea

The accepted legal basis for maritime claims and Freedom of Navigation in the SCS is UNCLOS.<sup>44</sup> Part II of UNCLOS defines the rules for a coastal state's baseline. A typical baseline is the low-water mark along a country's coast. Straight baselines will be used "in localities where the coastline deeply indented and cut into or if there is a fringe of islands along the coast in its immediate vicinity."<sup>45</sup> All bodies of water on the

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<sup>42</sup> The Indonesian Government originally summoned the Chinese ambassador but he was out of the country at that time and instead he submitted the letter of protest to the chargé d'affairs.

<sup>43</sup> The Economist, "China v the Rest of the World," March 26, 2016, accessed June 8, 2016, <http://www.economist.com/news/asia/21695565-sea-becomes-more-militarised-risks-conflict-grow-china-v-rest>.

<sup>44</sup> Division for Ocean Affairs and the Law of the Sea, *United Nations Convention on the Law of the Seas: Agreement relating to the Implementation of Part XI of the Convention* (UNCLOS), United Nations, 1982, accessed June 8, 2016, [http://www.un.org/Depts/los/convention\\_agreements/texts/unclos/closindx.htm](http://www.un.org/Depts/los/convention_agreements/texts/unclos/closindx.htm).

<sup>45</sup> Ibid., Part II, Article 7.

landward side of the baseline are considered part of that state's sovereign territory.<sup>46</sup> Part IV of UNCLOS defines baselines applicable to archipelagic countries like Indonesia and the Philippines. Since China is not constituted wholly by an archipelago or set of archipelagos, it is not entitled to an archipelagic baseline.<sup>47</sup>

Parts II, IV and V of UNCLOS define the limits of a coastal state's maritime zones shown in figure 5. A country's TTS extends twelve nautical miles from its baseline. The contiguous zone includes the TTS and an additional twelve nautical miles or twenty-four nautical miles from the baseline. The contiguous zone allows a state to exercise the necessary controls such as law enforcement to prevent violating customary laws of that country or the infringement of its sovereignty. The EEZ extends 200 nautical miles from the baseline (EEZ includes TTS and contiguous zone). A country has "sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources," and "jurisdiction as provided for" in UNCLOS with regards to the "establishment and use of artificial islands, installations and structures," as well as "marine scientific research," and "the protection and preservation of the marine environment."<sup>48</sup> Freedom of Navigation, overflight, and the laying of submarine cables in another state's EEZ is protected under Article 58 of UNCLOS.

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<sup>46</sup> Division for Ocean Affairs and the Law of the Sea, (UNCLOS), Part II, Article 8.

<sup>47</sup> Ibid., Part IV, Article 46(a) defines an Archipelagic State.

<sup>48</sup> Ibid., Part V, Article 56.

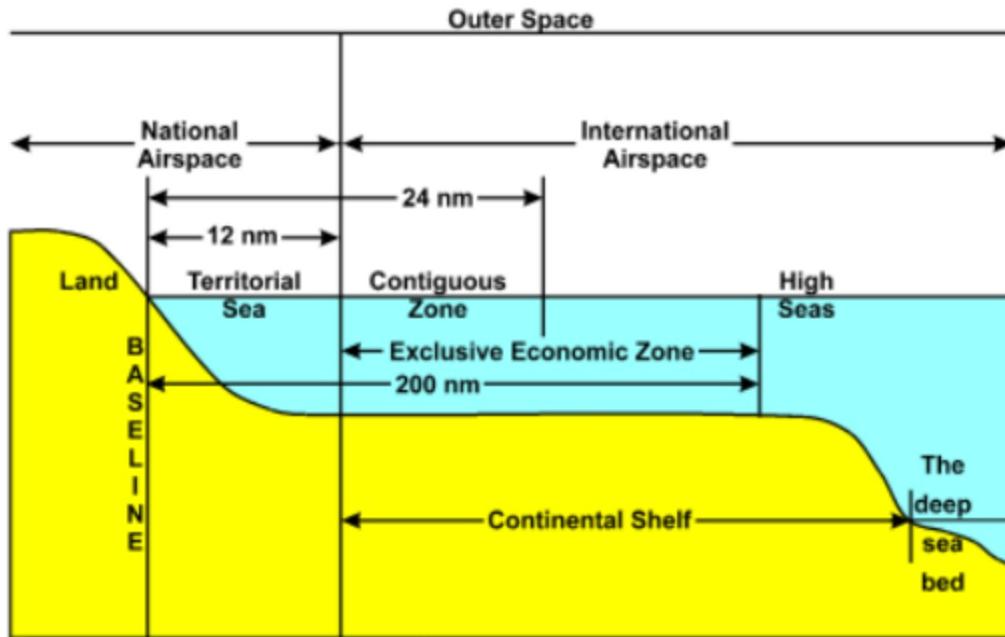


Figure 5. Maritime Zones as Defined in the United Nations Convention on the Law of the Sea

*Source:* Mark E. Rosen, *Challenges to Public Order and the Seas* (Arlington, VA: Center for Naval Analysis, March 2014), 6.

Part VI of UNCLOS defines the continental shelf as the seabed extending to the outer edge of the continental margin or up to 200 nautical miles from the coastal state's baseline.<sup>49</sup> A country has exclusive rights to explore and exploit resources within its continental shelf. These rights “Do not depend on occupation, or any express proclamation.”<sup>50</sup> Not surprisingly, China has claimed excessive straight baselines seen in figure 6. Since no proclamation is required by a coastal state per UNCLOS, one far-

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<sup>49</sup> Division for Ocean Affairs and the Law of the Sea, (UNCLOS), Part VI, Article 76.

<sup>50</sup> Ibid., Part VI, Article 77.

fetched theory could be the PRC claims a continental shelf from its straight baseline throughout the NDL as the basis for an EEZ.

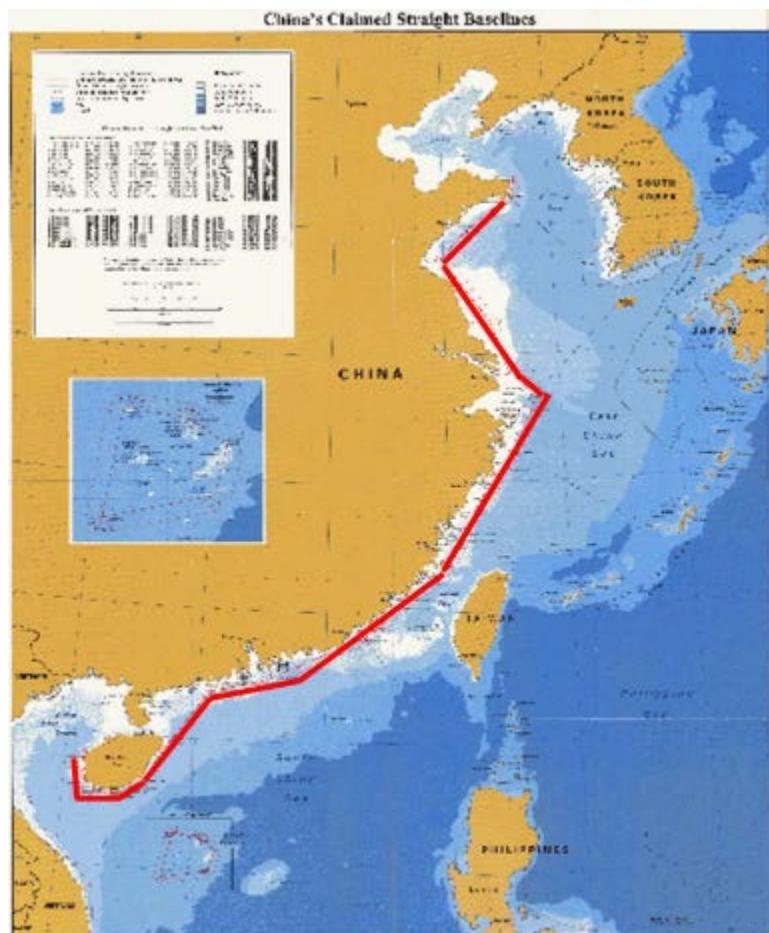


Figure 6. The People's Republic of China Claimed Straight  
Baselines Submitted May 15, 1996

Source: U.S. Department of State Bureau of Oceans and International Environmental and Scientific Affairs, Limits in the Seas, No. 117, *Straight Baseline Claim: China* (Washington, DC: U.S. Department of State, July 9, 1996), accessed June 12, 2016, <http://www.state.gov/documents/organization/57692.pdf>, 18. Note: claimed baselines highlighted in red added by author.

An island is defined in Part VIII of UNCLOS as “a naturally formed area of land, surrounded by water, which is above water at high tide”<sup>51</sup> This is significant because a land formation recognized to be an island is entitled to the same maritime zones defined above. The exception is: “Rocks which cannot sustain human habitation or economic life of their own shall have no exclusive economic zone or continental shelf.”<sup>52</sup> Natural features submerged at high tide do not qualify to be islands and are therefore not given the same maritime zone entitlements. If a submerged feature at high tide is developed into a man-made island, there is no change in entitlement. UNCLOS clearly addresses this in Article 608: “Artificial islands, installations, and structures do not possess the status of islands. They have no territorial sea of their own, and their presence does not affect the delimitation of the territorial sea, the exclusive economic zone or the continental shelf.”<sup>53</sup> Article 608 is very detailed about the rights of a state regarding man-made islands; however, China continues to decline explaining how their land reclamation campaign and their NDL claim fit within UNCLOS.

Although the United States is not a signatory member of UNCLOS, it adheres to its principles. The United States expects to navigate freely in the global commons (military or commercial) to include the SCS. In contrast, China is a signatory member but does not always necessarily abide by the parameters as seen in the case of the Natuna

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<sup>51</sup> Division for Ocean Affairs and the Law of the Sea, (UNCLOS), Part VIII, Article 121.

<sup>52</sup> Ibid.

<sup>53</sup> Ibid., Article 608.

Islands. Following China's ratification of UNCLOS in 1996, the PRC administration submitted the following declaration:

In accordance with the decision of the Standing Committee of the Eighth National People's Congress of the People's Republic of China at its nineteenth session, the President of the People's Republic of China has hereby ratified the United Nations Convention on the Law of the Sea of 10 December 1982 and at the same time made the following statement:

1. The People's Republic of China reaffirms its sovereignty over all its archipelagos and islands as listed in article 2 of the Law of the People's Republic of China on the territorial sea and the contiguous zone, which was promulgated on 25 February 1992.
2. The People's Republic of China reaffirms that the provisions of the United Nations Convention on the Law of the Sea concerning innocent passage through the territorial sea shall not prejudice the right of a coastal State to request, in accordance with its laws and regulations, a foreign State to obtain advance approval from or give prior notification to the coastal State for the passage of its warships through the territorial sea of the coastal State.<sup>54</sup>

The first declaration suggests the PRC's self-imposed law of the waters and all land features inside the NDL are considered sovereign Chinese territory. The second declaration implies all countries require China's approval prior to warships entering the SCS, calling for the PRC's self-imposed law to be recognized by the international community.

#### China's Navy

Based on the economic scales of the coastal countries in the SCS, China's navy is an easy overmatch against any of its Southeast Asian neighbors. The relatively modern PLA-N consists of three fleets: the North Sea Fleet in Qingdao; the East Sea Fleet in

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<sup>54</sup> Division for Ocean Affairs and the Law of the Sea, "China Declarations and Statements," United Nations, June 7, 1996, accessed June 8, 2016, [http://www.un.org/depts/los/convention\\_agreements/convention\\_declarations.htm#China](http://www.un.org/depts/los/convention_agreements/convention_declarations.htm#China).

Ningbo; and the closest in proximity to the SCS, the South Sea Fleet in Zhanjiang. Any of these fleet's maritime forces would be capable of reaching the SCS within a few days (see figure 7).

Analysts believe The PLA-N's modernization effort was accelerated following a 1996 standoff when two U.S. carrier strike groups deployed off the coast of Taiwan in response to Chinese missile tests and naval exercises in vicinity of the country.<sup>55</sup> Since that incident, the PLA-N have acquired long-range target acquisition systems, anti-ship ballistic missiles (ASBM), anti-ship cruise missiles (ASCM) and modern submarines and ships, to include an aircraft carrier. The focus of the PLA-N's modernization was designed specifically to thwart the U.S. Navy's strengths and to build an A2AD environment in the East and South China Seas.

The most capable ASBM in the PLA-N's inventory is the Dong Feng-21 Delta variant (aka DF-21). The DF-21 is a road mobile ballistic missile equipped with a maneuverable re-entry vehicle, optical sensors and designed to strike mobile targets at sea with a specific radar cross-section. The DOD states that the DF-21 has an estimated range exceeding 800 nautical miles and "is intended to provide the PLA[-N] the capability to attack large ships, including aircraft carriers, in the western Pacific Ocean."<sup>56</sup> The DF-21, in concert with the PLA-N's wide-area maritime surveillance would allow the PLA-N to target and destroy U.S. aircraft carriers or other naval ships. Due to the flight trajectory of the missile and the ability to change course, the DF-21 is

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<sup>55</sup> Ronald O'Rourke, *China Naval Modernization: Implications for U.S. Navy Capabilities—Background and Issues for Congress* (Washington, DC: Library of Congress, October 2012), 3.

<sup>56</sup> Ibid., 9.

almost impossible to intercept compared to ballistic missiles with no maneuverable re-entry vehicle. For these reasons, the DF-21 has been dubbed a game-changer in China's development of an A2AD environment since the protection of a U.S. Navy aircraft carrier is of paramount importance.

One of the most capable ASCMs in the PLA-N's inventory are the Russian made Sunburn (SS-N-22) and Sizzler (SS-N-27) cruise missiles. Both missiles were designed to launch over the horizon and counter a U.S. Navy cruiser-destroyer's Aegis detection and targeting system. The Sizzler is carried by eight of the PLA-N's twelve Kilo-class submarines and the Sunburn is carried by four Sovremenny-class destroyers. The Song, Yuan, and Shang class submarines are also expected to be outfitted with indigenous ASCMs with similar anti-Aegis characteristics upon completion of testing and development.<sup>57</sup>

The PLA-N's greatest asset to project overt sea power is China's first aircraft carrier, *Liaoning*. The ex-Admiral Kuzetsnov-class carrier, with a steam propulsion plant and diesel generators, was refurbished and commissioned into the PLA-N in 2012. The ship was used as a training platform for China's three fleets. In 2014, the PLA-N began integration of J-15 multirole fighters with successful launch and recovery of the aircraft. The *Liaoning*'s air wing currently consists of up to twenty-five J-15s, and twelve helicopters. The *Liaoning* is still considered "experimental," however, analysts predict future missions would include patrolling economically important sea lanes, regional

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<sup>57</sup> O'Rourke, *China Naval Modernization*, 11.

deterrence, and conducting naval diplomacy.<sup>58</sup> A second carrier is currently being constructed in China and is expected to be commissioned by 2020.

#### The *Liaoning* and the Nimitz Class Aircraft Carriers

When comparing aircraft carriers, gross tonnage and the size of a flight deck are important considerations in determining capacity for stores, ordinance, and the amount of aircraft a carrier can deploy in combat.<sup>59</sup> The most prominent asset in SEVENTH Fleet is the USS *Ronald Reagan*, a Nimitz-class aircraft carrier. The fully loaded Nimitz class carrier is 97,000 tons, whereas the *Liaoning*'s displacement of 60,000 tons makes the Nimitz class 45 percent heavier. The flight deck of the Nimitz is also approximately one hundred feet longer than the *Liaoning*, providing increased capabilities for multi-flight operations (see figure 8).

Outside of size and appearances, there are also significant differences in capabilities between the air wings of the two carriers. The J-15, a Chinese-variant of the Russian Sukhoi Su-33, lacks the stealth technology of the American F/A-18 or the F-35. Because the *Liaoning* relies on a ski-style deck to launch fixed-wing aircraft , the J-15 must expend a considerable amount of fuel for take-off, limiting the maximum payload to 62,000 pounds and affecting the aircraft's range. In contrast to the *Liaoning*, the Nimitz-

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<sup>58</sup> Office of the Secretary of Defense (SECDEF), *Annual Report to Congress: Military and Security Developments Involving the People's Republic of China* (Washington, DC: Department of Defense, 2015), accessed June 8, 2016, [http://www.defense.gov/Portals/1/Documents/pubs/2015\\_China\\_Military\\_Power\\_Report.pdf](http://www.defense.gov/Portals/1/Documents/pubs/2015_China_Military_Power_Report.pdf), 40.

<sup>59</sup> Center for Strategic International Studies, "How does China's First Aircraft Carrier Stack Up?" 2016, accessed June 9, 2016, <http://chinapower.csis.org/aircraft-carrier>.

class uses steam catapults, which increases an aircraft's take-off weight to 100,000 pounds. The air wing on the *Liaoning* is limited to twenty-five fixed-wing fighters, whereas the Nimitz-class can carry over fifty-five.



Figure 7. Locations and Assets of the People's Liberation Army-Navy's Three Fleets

Source: Office of the Secretary of Defense, *Annual Report to Congress: Military and Security Developments Involving the People's Republic of China* (Washington, DC: Department of Defense, 2016), accessed June 8, 2016, <http://www.defense.gov/Portals/1/Documents/pubs/2016%20China%20Military%20Power%20Report.pdf>, 8.

## Carrier Side-by-Side Comparison

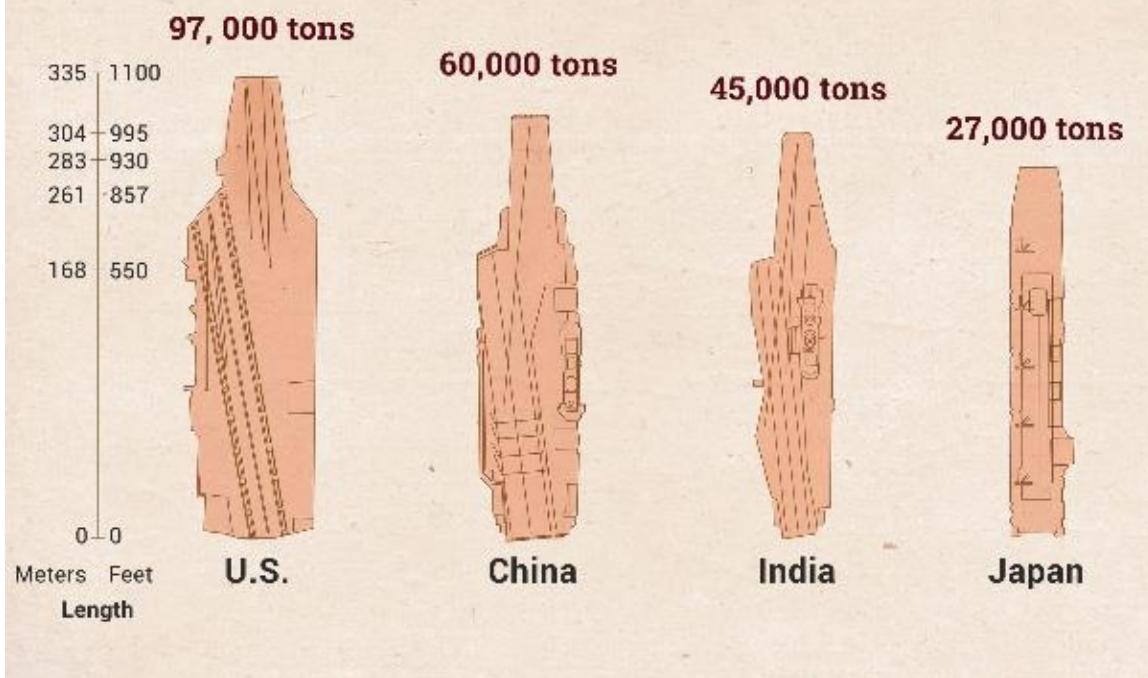


Figure 8. The *Liaoning* in Comparison to the Nimitz-Class Carrier and other Aircraft Carriers in the Indo-Pacific

Source: Center for Strategic International Studies, “How does China’s First Aircraft Carrier Stack Up?” 2016, accessed June 9, 2016, <http://chinapower.csis.org/aircraft-carrier>.

The *Liaoning* itself is limited in speed and range when compared to the Nimitz class. Based on a Soviet-era steam propulsion plant, the top speed of the carrier is likely around twenty knots. This is problematic when conducting flight operations since carrier-based aircraft typically need at least twenty knots to launch. In comparison, the propulsion of the nuclear powered Nimitz-class can go in excess of thirty knots, capable of creating its own wind. Another shortfall with the *Liaoning* is the diesel generators. The

carrier will be limited in underway operations before it must pull into port to refuel or conduct a replenishment-at-sea; a skill not fully developed by the PLA-N. The Nimitz class does not face this logistical challenge since it is nuclear powered. Based on these limitations, analysts expect the PLA-N to employ the *Liaoning* in waters close to the Chinese mainland, where the *Liaoning* could receive support from land-based aircraft and radars. Analysts also predict the *Liaoning* will be best suited for naval diplomacy, showing the flag to its coastal neighbors, and asserting China's claims in the SCS.

#### The Paramilitary Fishing Fleet

On the polar end of the PLA-N's spectrum in projecting sea power are its paramilitary fishing fleet; the most common way China uses "low-intensity coercion" to advance its position in the SCS.<sup>60</sup> At least one Chinese official was quoted as using the term, Cabbage Strategy, referring to a strategy of consolidating full control over disputed territories in the SCS by wrapping those contested areas like the leaves on a cabbage, in successive layers of occupation and protection. The first layer of protection would be the continuous presence of Chinese fishing boats, then Chinese Coast Guard ships if the fishermen encounter conflict. The last layer of defense would be the PLA-N vis-à-vis challenging another country's navy in a disputed area.

What makes the Chinese fishing fleet a paramilitary component of the PLA-N is the formal training, orders, and subsidies they receive prior to getting underway. According to a *Reuters* interview with an anonymous government advisor working for the PLA, all Chinese fishermen are given annual training on "safeguarding Chinese

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<sup>60</sup> SECDEF, *Annual Report to Congress* (2015), 3.

sovereignty,” and intelligence collection.<sup>61</sup> The fishermen are also provided global positioning satellite systems and communications equipment to contact the Chinese Coast Guard in the event of emergencies, to include encounters involving foreign ships. The presence of this hardware was evident in the quick reaction time of the PRC Coast Guard during the 2012 Scarborough Shoal stand-off, and more recently in the Natuna Islands. The global positioning system and communications also provide the PRC the means to direct Chinese fishing vessels to collect intelligence and in some cases, assign ad hoc missions in safeguarding sovereignty. These missions can include impeding the passage of foreign vessels, such as the 2009 USNS *Impeccable* incident. Government subsidies are also provided to encourage fishermen to use vessels made with steel hulls.

#### Code for Unplanned Encounters at Sea

On April 22, 2014, 21 representatives at the Western Pacific Naval Symposium including the U.S. Chief of Naval Operations and his PLA-N counterpart, endorsed and signed the Code for Unplanned Encounters at Sea (CUES). CUES is a non-binding agreement between navies designed to establish a standard protocol of safety procedures, communications, and basic maneuvering instructions for warships and military aircraft in order to prevent past miscalculations or accidents from occurring.<sup>62</sup> The limitations with CUES is it primarily deals with safety of navigation and does not address conduct inside a state’s claimed TTS. CUES also does not apply to non-military vessels. China’s

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<sup>61</sup> Megha Rajagopalan, “China trains ‘fishing militia’ to sail into disputed waters,” *Reuters*, April 30, 2016, accessed June 9, 2016, <http://www.reuters.com/article/us-southchinasea-china-fishingboats-idUSKCN0XS0RS>.

<sup>62</sup> O’Rourke, *Maritime Territorial and Exclusive Economic Zone Disputes Involving China*, 17.

paramilitary fishing fleet and its Coast Guard are not required to abide by CUES nor are they trained to do so. Another shortfall with CUES is that it is non-binding and does not address conduct in claimed territorial areas such as the SCS.<sup>63</sup>

### The Philippine Navy and its Security Challenges

Since the turn of the century, Southeast Asian countries have enjoyed the fastest economic growth in the world.<sup>64</sup> The Association of Southeast Asian Nations countries' economies practice open trade and operate in a free market enterprise. One of the most impressive rates of growth was the Philippines, where Gross Domestic Product (GDP) growth averaged 4.5 percent for the past sixteen years and six percent from 2011 to 2015.<sup>65</sup> This type of economic growth provided a much needed increase in the country's national defense budget.

Despite increased economic growth, the Armed Forces of the Philippines (AFP) has struggled to meet the country's internal and external security challenges, in large part due to continued budget shortfalls. The closing of Subic Bay Naval Base and the departure of the U.S. Navy in 1991 also left a security void in protecting the Philippines' sea lanes. Outside of maritime security, the Philippines is also home to multiple terrorist organizations operating in the southern region; the Abu Sayyaf group, and the separatist

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<sup>63</sup> O'Rourke, *Maritime Territorial and Exclusive Economic Zone Disputes Involving China*, 17.

<sup>64</sup> William T. Wilson, "Beating the Middle-Income Trap in Southeast Asia," The Heritage Foundation, August 27, 2014, accessed June 8, 2016, <http://www.heritage.org/research/reports/2014/08/beating-the-middle-income-trap-in-southeast-asia>.

<sup>65</sup> Central Intelligence Agency, "Philippines," World Factbook, April 27, 2016, accessed June 9, 2016, <https://www.cia.gov/library/publications/resources/the-world-factbook/geos/rp.html>.

Moro Islamic Liberation Front. These organizations have conducted kidnap-for-ransom raids against tourists and have also been known to ambush the AFP and other government officials. In the northern region, the country faces a communist insurgency threat against the New People's Army. Natural disasters such as typhoons, mud slides and earthquakes are also a common occurrence, which trigger a constant demand signal for AFP ground forces supporting Humanitarian Assistance/Disaster Relief (HA/DR) and counterinsurgency operations.

In 2007 The Jamestown Foundation, a Washington-based research institute, assessed the AFP's effectiveness in meeting the countries security requirements:

Starved of funding for years, the Armed Forces of the Philippines (AFP) is one of the weakest military forces in Southeast Asia. As the country's primary security threats are land-based—separatist, communist insurgent and terrorist groups—the army has received priority funding. The operational effectiveness of the Philippine Navy (PN) and Philippine Coast Guard (PCG) has suffered accordingly, leaving the country's sea lanes largely unprotected.<sup>66</sup>

Although the country is an archipelagic state with a massive coastline, the army will likely remain the dominant service due to the multiple insurgencies and ongoing natural disasters in the Philippines.

Today, the Philippine Navy (PN) continues to struggle with developing a modern naval capability. The PN has undergone some modernization efforts since the Jamestown report was published, acquiring three decommissioned U.S. Coast Guard cutters (ex-USCG Alexander Hamilton-class) where they converted the cutters into *Bunca ng*

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<sup>66</sup> Ian Storey, "The Triborder Sea Area: Maritime Southeast Asia's Ungoverned Space," The Jamestown Foundation, October 24, 2007, accessed June 9, 2016, [http://www.jamestown.org/single/?tx\\_ttnews%5Btt\\_news%5D=4465#.VyrI93nmqUk](http://www.jamestown.org/single/?tx_ttnews%5Btt_news%5D=4465#.VyrI93nmqUk).

*Republike ng Philipinas* (BRP)<sup>67</sup> *Gregorio del Pillar*-class frigates. Despite the hulls being over forty years old, the three BRP *Gregorio del Pillar*-class frigates are the most capable ships in the PN's order of battle. The age of the hulls, a limited budget and the PN's lack of a maintenance culture, leave every possibility that these ships will be tied to the piers due to mechanical failures.<sup>68</sup> Other hurdles facing the modernization of the PN are corruption with the leadership in Manila and constitutional limits on defense spending, where defense spending cannot exceed the education budget.<sup>69</sup> In the foreseeable future, defense of the Philippines' recognized sea lanes will likely fall on the United States—a treaty ally.

### China's Economy

The foundation of the PRC's rise to power has been its economy. When China normalized relations with the United States in the late 1970s during Richards Nixon's Administration, the country developed a capitalist economy allowing global access for free-market trade. This has caused the PRC to enjoy large economic gains, directly benefiting the modernization and expansion of its military. In 2010, China became the world's largest exporter of textiles, industrial metals, consumer products, and transportation equipment. In 2015, China surpassed the United States to become the

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<sup>67</sup> *Bunca ng Republika ng Pilipinas*. Translation: Ship of the Republic of the Philippines.

<sup>68</sup> Michael McDevitt and Catherine K. Lea, *Naval Developments in Asia*, CNA Maritime Asia Project Workshop Two (Arlington, VA: Center for Naval Analysis and Solutions, August 2012), 13.

<sup>69</sup> Ibid., 14.

world's largest economy (based on purchasing power parity). However, the PRC's per capita income is still well below the world average due to China's dense population.

Today, China's economy faces tremendous challenges in maintaining positive growth. The graph in figure 9 shows China's growth is not absolute with a quarterly nominal GDP trending negative since 2014. In 2015, China's GDP was just 6.9 percent; the lowest level of growth in twenty-five years. Several factors creating this trend include massive debt from the PRC's stimulus program, industrial overcapacity, and inefficient allocation of capital by state-owned banks.<sup>70</sup> China's rapidly aging population due to the state's One-Child population control policy is also expected to have an adverse effect in its long-term economic forecast.

There is a deep interdependence between the Chinese and U.S. economies. Many consider this bilateral relationship to be the most important in the world. These strong economic ties have inhibited Washington to take any "hard actions" against Chinese aggression in the past, and for this reason, analysts predict the United States will back down if future tensions in the SCS threaten the U.S.-Sino economic relationship.<sup>71</sup>

The United States is currently in a delicate position to counter the PRCs sphere of influence in Southeast Asia, and at the same time avoid a shooting war when enforcing Freedom of Navigation or defending a treaty ally's maritime sovereignty.

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<sup>70</sup> Central Intelligence Agency, "China," World Factbook, April 27, 2016, accessed June 9, 2016, <https://www.cia.gov/library/publications/the-world-factbook/geos/ch.html>.

<sup>71</sup> Kaplan, Kindle 495.

## More stumble than strength

China's nominal GDP

% increase on a year earlier



Sources: National Bureau of Statistics; Haver Analytics

Economist.com

Figure 9. China's Nominal Gross Domestic Product, 2012-2015 Showing a Negative Trend in Quarterly Growth since 2012

Source: The Economist, "Romance of the Three Quarters," April 23, 2016, accessed May 6, 2016, <http://www.economist.com/news/finance-and-economics/21697261-if-recent-pattern-holds-chinas-latest-upturn-will-be-short-lived-romance?zid=306&ah=1b164dbd43b0cb27ba0d4c3b12a5e227>.

### Dialing up Chinese Nationalism

The graph in figure 9 shows China's economy has matured and shrinking single-digit growth rates have become the norm going forward.<sup>72</sup> Because of this, the PRC currently faces a potentially restive population in the mainland. One way the administration deals with this is to ramp up Chinese nationalism as a way to stave off socioeconomic upheaval which may result in democratization and the dissolution of the communist party.<sup>73</sup> A population that goes from poverty to wealth in its lifetime is likely to put up with being told what to do, however it is much harder to control a generation born into middle-class affluence. Spinning a defensive posture in the SCS against U.S. aggression gives the PRC administration a political cushion with the domestic audience and keeps popular public opinion with the Chinese Communist Party.

Reporter's Without Borders, an international non-government organization committed to free speech, recently ranked China's media outlets 176 out of 180 countries.<sup>74</sup> This ranking is due in large part to all media outlets and education resources being filtered through the communist state. The PRC's extreme censorship of information is commonly referred to as The Great Firewall of China. Part of this research included the study of online articles from the PRC's largest newspaper organization, *China Daily*, as it relates to coverage of the U.S. involvement in the SCS. Over thirty articles were

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<sup>72</sup> Seeking Alpha, "We Still Don't See A China Hard Landing," May 11, 2016, accessed June 9, 2016, <http://seekingalpha.com/article/3974328-still-see-china-hard-landing>.

<sup>73</sup> Kaplan, Kindle 495.

<sup>74</sup> Reporters Without Borders, "2016 World Press Freedom Index," accessed June 9, 2016, <https://rsf.org/en/ranking>.

reviewed between December 2015 and May 2016. The author's finding was that 100 percent of the sample articles were biased against the United States and almost read like Cold War propaganda. The U.S. presence in the SCS was always painted in a negative light, often accusing the United States of "militarizing" the SCS following a freedom of navigation operation.<sup>75</sup> The articles often minced words and did not report actual facts. Territorial claims in the SCS were also seen as one-sided, identifying all islands and land formations in the SCS as Chinese. One *China Daily* article titled, "Chance for Manila to Settle Sea Issue," published May 7, 2016 provides one such example:

The Philippine presidential election on May 9, arguably the most contentious in decades, will see a new leader assume power because incumbent President Benigno Aquino III is barred from seeking re-election. Since Aquino is responsible for the souring of Beijing-Manila relations by endorsing Washington's "rebalancing to Asia-Pacific" policy over the past six years, the world is waiting to see what the new Philippine government's China policy will be.

Backed by the United States, the Aquino government has constantly sought to challenge China over the South China Sea issue, which, however, has proved to be a fool's errand.

To begin with, Manila's attempt to confront Beijing over its Huangyan [Scarborough Shoal] Island has failed.

To maintain relations with the Philippines, however, China has exercised exemplary restraint in the island dispute. And the Philippines was expected to reciprocate the gesture for the sake of bilateral ties, which Aquino has long refused.

Encouraged by Washington, Manila sent military vessels to harass Chinese fishing boats and fishermen operating in waters off Huangyan Island in 2012,

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<sup>75</sup> During the time of this research, the most recent article *China Daily* published regarding U.S. Freedom of Navigation in the SCS was on April 26 2016, following a FONOP with U.S. Air Force A-10s in the vicinity of Scarborough Shoal. Li Xiaokun, "US Accused of 'Hyping Up' Military Flights," *China Daily*, April 26, 2016, accessed June 9, 2016, [http://www.chinadaily.com.cn/china/2016-04/26/content\\_24839331.htm](http://www.chinadaily.com.cn/china/2016-04/26/content_24839331.htm).

triggering a two-month confrontation with China's surveillance ships.<sup>76</sup> This prompted Beijing to strengthen its presence on the island, leaving no scope for Manila to encroach upon the Chinese territory.<sup>77</sup>

Thanks to the Aquino administration's accommodative policy, US troops, which the Philippine people fought strenuously to get rid of, are back in the country and will be stationed at five military bases.<sup>78</sup>

Seeking Washington's protection might not be a good move for Manila—it could even be counter-productive—because Philippine soldiers, despite being equipped and trained according to US standards, have not been able to defeat the poorly-equipped anti-government forces.

By selling its Hamilton-class cutters and other advanced weapons to the Philippines, Washington is strengthening its military alliance with Manila.

But the Philippines should realize that it is just a piece on the US chessboard. The US may make use of the Philippines to meddle in the waters of the South China Sea, but it will never get involved if it leads to open confrontation between China and the Philippines.<sup>79</sup> Should a serious conflict break out between Beijing and Manila over the South China Sea issue, which is about China's maritime

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<sup>76</sup> There is no truth to this statement. Washington was not aware of the Scarborough stand-off when it occurred let alone endorse the BRP *Gregorio del Pilar* to interdict the routine illegal fishing by the Chinese inside Scarborough Shoal.

<sup>77</sup> Another lie. In June 2012, both Manila and Beijing diplomatically agreed to withdraw from Scarborough Shoal but only Manila complied. Bonnie Glaser, "Trouble in the South China Sea," *Foreign Policy*, September 17, 2015, accessed June 9, 2016, [http://foreignpolicy.com/2012/09/17/trouble-in-the-south-china-sea/?wp\\_login\\_redirect=0](http://foreignpolicy.com/2012/09/17/trouble-in-the-south-china-sea/?wp_login_redirect=0).

<sup>78</sup> On the contrary, there are no U.S. military forces "stationed" on these bases. Per the U.S.-RP EDCA agreement; U.S. forces will be assigned on a rotational basis.

<sup>79</sup> Secretary of State Hillary Clinton has stated defense of the Senkaku Islands falls under the US' treaty obligations with Japan. This may be increasingly true for the Obama Administration, but not so much for the next. Hillary Clinton, who currently leads as the Democratic Party front-runner, has historically taken a tough stance in regards to military coercion in the SCS and the Senkaku Islands during her time as Secretary of State. U.S. Department of State, "Hillary Rodham Clinton Secretary of State Remarks following signing ceremonies Hanoi, Vietnam," October 20, 2010, accessed June 9, 2016, <http://www.state.gov/secretary/20092013clinton/rm/2010/10/150189.htm>.

sovereignty, Washington might prefer to watch from the sidelines because it does not concern the US' core interests.<sup>80</sup>

Manila's provocations such as those around the Huangyan Island and the filing of an arbitration case in its dispute with China in the South China Sea, have a lot to do with the deteriorating bilateral relations, which have dealt a heavy blow to their trade and commercial cooperation.

As such, the incoming Philippine government should recalibrate its China policy.

But the prospects for that do not look encouraging, because the US is likely to take steps to ensure the new Philippine administration keeps serving its "rebalancing to Asia-Pacific" policy.

On the one hand, Washington is expected to ramp up its military aid to Manila in the next five years. On the other, in an attempt to hype up China's legal construction on its South China Sea islands, the US flew six of its military planes through the international airspace near Huangyan Island last month, injecting more uncertainties into China-Philippines ties.<sup>81</sup>

The Aquino government has been trying to justify its hawkish stance on the South China Sea issue and urging the incoming leadership to follow the same policy. Worse, its anti-China propaganda has seriously affected domestic opinion, as more Philippine citizens now seem to distrust China.

Given these facts, the new Philippine administration should take appropriate measures to improve Beijing-Manila ties and seek peaceful solution to bilateral disputes without becoming an expendable part of Washington's Asia-Pacific maneuver.<sup>82</sup>

The graph in figure 3 of chapter 2 shows China is the biggest end-user of using information to support its claims in the SCS. Information as an instrument of national power is defined as "use of information content and technology as strategic instruments

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<sup>80</sup> Another statement made off-putting. Freedom of Navigation in international waters is a U.S. core interest. U.S. President, NSS, 13.

<sup>81</sup> Clearly the editors at *China Daily* overlooked the A-10s flying in "international airspace" wording.

<sup>82</sup> Chen Qinghong, "Chance for Manila to Settle Sea Issue," *China Daily*, May 7, 2016, accessed June 9, 2016, [http://www.chinadaily.com.cn/opinion/2016-05/07/content\\_25123213.htm](http://www.chinadaily.com.cn/opinion/2016-05/07/content_25123213.htm).

to shape fundamental political, economic, military, and cultural forces on a long-term basis to affect the global behavior of governments, supra-governmental organizations, and societies to support national security.<sup>83</sup>" In this case, the PRC administration uses Chinese media to raise suspicions on U.S. activity for the domestic audience and persuade the Filipino audience that a stronger alliance with the United States would be a mistake. For the international audience, the presence of the U.S. Navy brings with it conflict and destabilization in the SCS.

#### The Geographic Landscape of the Philippines

The SCS encompasses an area surrounded by chokepoints (see figure 4). The Philippines covers the Eastern flank of the SCS. For this reason, the Philippines is uniquely positioned to disrupt China's A2AD strategy by providing U.S. forces direct access to the region, through the military bases in the country. These bases can also provide vital logistics such as refueling ships, repairs, and pre-positioning general supplies for the U.S. Joint Forces Maritime Component Command in the event of conflict with the China. The AFP also benefits from the U.S. military by providing capacity building, modernizing, and maritime domain awareness around its sea lanes.

In March 2016, the United States and the Philippines signed the EDCA, allowing U.S. forces access to Basa Air Base, Antonio Bautista Air Base, Fort Magsaysay, Lumbia

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<sup>83</sup> Dennis Murphy, "Strategic Communication: Wielding the Information Element of Power," in *U.S. Army War College Guide to National Security Issues. Vol 1: Theory of War and Strategy*, ed. Dr. J. Boone Bartholomees Jr. (Carlisle, PA: U.S. Army War College Press, June 2012), 159.

Air Base, and Mactan-Benito Ebuen Air Base.<sup>84</sup> The locations of the military bases depicted in figure 10, present unique capabilities for the U.S. military in the region. Basa Air Base, located in Luzon, contains a 2,400-mile runway.<sup>85</sup> This base is suitable for flight reconnaissance operations involving U.S. P-8 aircraft into the SCS and is capable of forward basing fixed-wing fighter craft. Fort Magasaysay, also located in Luzon, is the largest military base in the AFP. The base can support airborne and amphibious training exercises with U.S. Marines.<sup>86</sup> Mactan-Benito Ebuen Air Base is located in the central region of the Philippines and shares a 3,000-mile runway with the commercial airport in Cebu. Reconnaissance aircraft would have operational reach to conduct surveillance in the SCS, but it would be less suited for fixed-wing attack craft. Lumbia Air Field is a decommissioned Air Base in the southern region of the Philippines currently under construction by U.S. forces.<sup>87</sup> Based on location, Lumbia would share the same capabilities and limitations as Mactan-Benito Ebuen Air Base. Antonio Bautista Air Base is located in Palawan Island, and is the closest base to the disputed Spratly Islands. The

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<sup>84</sup> U.S. Department of State, “Sixth United States-Philippines Bilateral Strategic Dialogue Joint Statement,” March 18, 2016, accessed June 9, 2016, <http://www.state.gov/r/pa/prs/ps/2016/03/254833.htm>.

<sup>85</sup> Philippine Air Force, “Basa Air Base: About Us,” accessed June 9, 2016, <http://www.paf.mil.ph/aboutus/bases/basa.html>.

<sup>86</sup> Philippine Army, “Fort Magasaysay: The Home of the 7th Infantry Division,” accessed June 9, 2016, [http://www.army.mil.ph/Army\\_Sites/INFANTRY%20DIVISIONS/7ID/About%20us.html](http://www.army.mil.ph/Army_Sites/INFANTRY%20DIVISIONS/7ID/About%20us.html).

<sup>87</sup> Andrew Tighman, “The U.S. military is moving into these 5 bases in the Philippines,” *Military Times*, April 1, 2016, accessed June 9, 2016, <http://www.militarytimes.com/story/military/2016/03/21/us-plans-use-five-new-bases-philippines/82072138>.

base contains a 2,400-mile runway, capable supporting by reconnaissance and rotary-wing and fixed-wing attack aircraft in the SCS.<sup>88</sup>



Figure 10. Locations of Military Bases for U.S. Military Access under the Enhanced Defense Cooperation Agreement

Source: U.S. Department of State, “Country Information: Philippines,” September 16, 2015, accessed May 9, 2016, <https://travel.state.gov/content/passports/en/country/philippines.html>. Note: names and locations of Philippine bases added by author.

<sup>88</sup> Philippine Air Force, “Antonio Bautista Air Base: About Us,” accessed June 9, 2016, <http://www.paf.mil.ph/aboutus/bases/abab.html>.

## Summary

This chapter defined the operational environment based on the PMESII framework. Political analysis shows the PRC administration's expansionist theme in the SCS is geared less on legal principle such as UNCLOS and more on the correct application of force. Based on the comparisons of the most advanced PLA-N and the U.S. Navy weaponry—the aircraft carriers, the Chinese Navy is still a generation or two away from coming close to winning a confrontation against the U.S. Navy, making it unlikely for the PLA-N to enter into conflict with the United States. However, the military analysis also shows that the United States' treaty ally, the Philippines, has very little in projecting sea power.

The economic analysis shows China's military modernization is directly derived from a thriving economy. China's economy is also intertwined with the U.S. economy, leaving the United States in a delicate position to counter Chinese aggression in the SCS while preserving the Sino-American economic relationship. Now that China faces a downward trend in GDP, pressure has mounted in keeping its domestic population content.

Social/information analysis described the communist-state control of all media outlets in China and the push to ramp up national pride and sensitivity in order to foster a popular opinion of the Chinese Communist Party. China also employs Information power in the SCS with themes to persuade the international audience against increasing ties with Washington, and the presence of the U.S. Navy as destabilizing to the region. Infrastructure analysis focused on the five military bases in the Philippines, which counter China's A2AD strategy by providing the U.S. Joint Forces Maritime Component

Command with immediate access and enhanced capabilities to the SCS. The next chapter will assess the U.S. employment of military power in achieving its strategic goals in the SCS by applying an Ends, Ways, Means construct.

## CHAPTER 4

### ENDS, WAYS, MEANS

The U.S. Navy is one of the single greatest contributors to the security and stability of the Asia-Pacific region. We have been for nearly 70 years. I think the U.S. Navy plays a good role whether it is in the South China Sea, the East China Sea, the Philippine Sea, stabilizing things, assuring partners and dissuading adversaries from taking actions that are non-transparent or illegal.

— Rear Admiral Mark Montgomery, quoted in “Why is the US Navy practising for war with China?”

This chapter will conduct an assessment of the current U.S. employment of the military component of national power by applying an Ends, Ways, Means construct to capture its strategic goals of preserving security and Freedom of Navigation in the SCS and how leveraging and bolstering the U.S.-RP relationship may contribute to the achievement of that end state. First, the grand strategy or Ends will be defined based on official documents reviewed in chapter 2 such as the 2015 NSS and the DOD’s *Asia-Pacific Maritime Security Strategy*. Based on the maritime environment of the SCS in the U.S. Pacific Command (PACOM) Area of Responsibility (AOR) and the nature of protecting Freedom of Navigation, the most relevant military component achieving the desired end state would be the U.S. Pacific Fleet (PACFLT). Although other components of national power may support the strategic end state in the SCS, this research will solely focus on the military component of national power. The capabilities of SEVENTH Fleet will be discussed as the Means. SEVENTH Fleet’s operations, exercises and the current partner-building programs with the Philippines will then be detailed as the Ways.

COG analysis based on the framework of the Joint Operations Planning Process will then be conducted. This analysis will cover both the friendly and adversarial COGs

in order to identify the critical capabilities, requirements, and vulnerabilities in the event of escalated conflict with China.

Ends: U.S. Goals in the South China Sea

Chapter 2 of this research presented a review of the current strategic documents that lays out U.S. policy. The U.S. strategic goals in the SCS can be summarized in five points:

1. The United States opposes the use of military or para-military coercion by any of the country claimants to resolve territorial disputes or to change the status quo. The United States favors settling disputes in an internationally recognized forum such as the PCA.
2. Freedom of Navigation and overflight will not be impeded in recognized international waters to include commercial, private, and military vessels. All states respect the language in UNCLOS regarding military ships and aircraft being able to operate freely in another country's EEZ.
3. Claims on TTS and EEZ in the SCS must have legal basis. China's NDL does not comply with UNCLOS; therefore, Chinese sovereignty in the cow's tongue is not recognized by the United States.<sup>89</sup>
4. The United States will enhance security relationships with allies of coastal countries in the SCS. The United States supports capacity building of these countries to improve on their maritime security, where they will be capable of monitoring and defending their sea lanes.

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<sup>89</sup> U.S. President, NSS, 13.

5. Increase presence and improve access for U.S. military forces into the SCS.

Based on the above points, the author concludes there is little fault to the U.S. strategic approach in the SCS. Primarily, the five points are diplomatically themed—to maintain an international order of protecting commerce and international trade while avoiding military conflict. U.S. national interests now include the stability of a region and the security of other countries. With globalization in play, the United States is intertwined with the world's economies, and a disruption to international laws governing Freedom of Navigation would directly challenge U.S. national security.

The U.S. desired end state in the SCS, however, is not entirely diplomatically themed. The strategy also contains elements of hard-power initiatives aimed at deterrence and countering an A2AD environment. This implies an increase in forward presence of U.S. maritime forces or the calling for a rebalance to the region.

There are also elements of soft-power goals in the desired end-state. The strategy calls for increasing partner-capacity to promote regional stability against internal and external security threats such as natural disasters and the protection of vital sea lanes. military-to-military partner-building also decreases the military imbalance between the PRC and the Southeast Asia region.

#### Means: U.S. SEVENTH Fleet

One of Britain's greatest intellectuals of naval strategy was Sir Julian Corbett. According to Corbett, "the first function of the fleet was to support or obstruct diplomatic effort."<sup>90</sup> It is especially true in this case based on the maritime environment of Southeast

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<sup>90</sup> Geoffrey Till, *Seapower: A Guide for the Twenty-First Century* (New York: Routledge Press, 2013), 221.

Asia and the SCS. However, Corbett's and naval historian's thinking about the maritime force's role in supporting diplomacy is limited to hard-power capabilities such as protection of sea lanes, blockades, and projecting sea power ashore with Marines.<sup>91</sup> Modern literature promotes using a maritime force beyond hard-power. The term is coined "smart-power," where a fleet is still employed for its hard-power capabilities but in combination with soft power missions such as HA/DR, and civil-military affairs to further strategic goals.<sup>92</sup>

PACOM's maritime component is PACFLT. PACFLT is composed of two geographically separate fleets; C7F, headquartered in Yokosuka, Japan onboard USS *Blue Ridge*, and THIRD Fleet, headquartered in San Diego, California. The SCS and the Philippines falls under C7F's AOR. C7F is the largest forward-deployed numbered fleet in the U.S. Navy, with roughly fifty to seventy ships, submarines, 140 aircraft and approximately 40,000 Sailors and Marines in its AOR.<sup>93</sup> C7F maintains its forward presence through the Forward Deployed Naval Force and rotationally deployed units from THIRD Fleet. During peacetime, C7F is operationally organized by seven separate task forces that provide both geographic and functional leverage to achieve mission accomplishment (see figure 11).

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<sup>91</sup> Till, 61-68.

<sup>92</sup> Secretary of the Navy, *A Cooperative Strategy for 21st Century Seapower* (Washington, DC: Government Printing Office, March 2015), 24.

<sup>93</sup> Commander, U.S. SEVENTH Fleet, "About Us: Fact Sheet," U.S. Navy, accessed June 9, 2016, <http://www.c7f.navy.mil/Portals/8/documents/7thFleetTwoPagerFactsheet.pdf?ver=2016-01-27-061248-087>.

Battle Force SEVENTH Fleet, or Commander, Task Force (CTF)-70, assumes tactical control of aircraft carriers, air wings, guided missile cruisers, and guided missile destroyers in the AOR. The CTF-70 command staff is headquartered onboard USS *Ronald Reagan*, currently homeported in Yokosuka, Japan.

CTF-71, headquartered in Guam, is the special warfare component of C7F. CTF-71 consists of forward deployed SEAL platoons and special boat detachments.

CTF-72, headquartered in Misawa Japan, is the aerial reconnaissance component of C7F. CTF-72 employs between sixteen and twenty EP-3 and P-8 reconnaissance aircraft. Aside from sensitive reconnaissance missions, these air assets can also conduct anti-submarine warfare, surface warfare, SAR, and is capable of being forward based throughout the C7F AOR.<sup>94</sup>

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<sup>94</sup> Commander, U.S. SEVENTH Fleet, “About Us: Fact Sheet.”

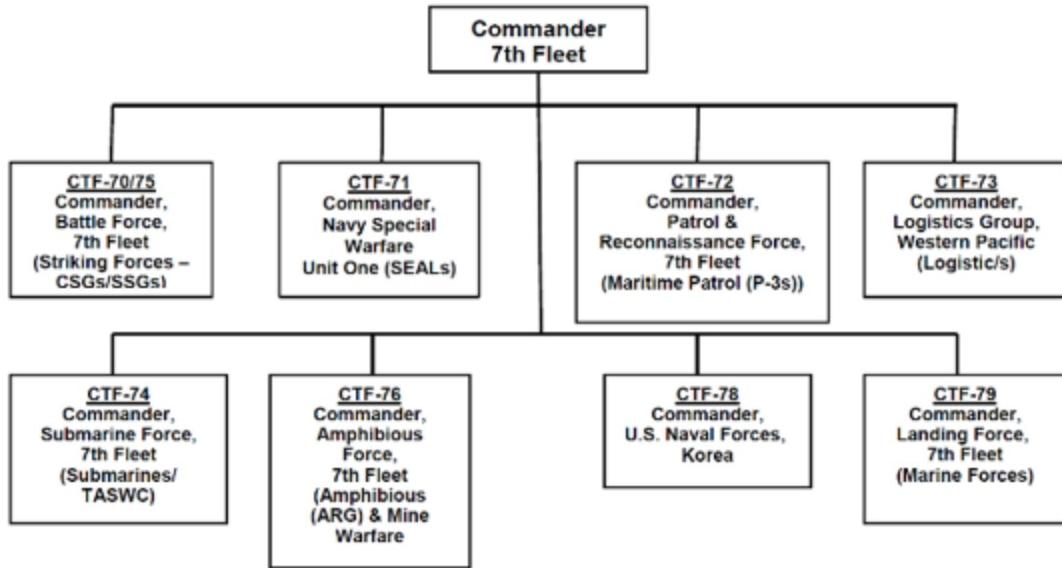


Figure 11. Numbering System for Task Forces Subordinated to Commander, SEVENTH Fleet

*Source:* U.S. Naval War College, *Joint Military Operations Reference Guide: “Forces/Capabilities Handbook”* (Newport, RI: U.S. Naval War College, July 2011), accessed May 15, 2016, <http://keystone.ndu.edu/Portals/86/Documents/JointMilitaryOperationsReferenceGuide.pdf>, 6.

Providing C7F's forces with logistics support throughout the Western Pacific and Indian Ocean is CTF-73. The logistics component of C7F provides approximately fifty combat logistics ships to allow for a self-sufficient maritime force. CTF-73, headquartered in Sembawang, Singapore, is also dual-hatted to support C7F's theater security cooperation efforts in Southeast Asia.

Submarine and anti-submarine operations are led by CTF-74. Another task force based in Yokosuka, Japan, CTF-74 conducts the day-to-day responsibilities of up to twelve ballistic and attack submarines homeported in Guam as well as transiting U.S. based submarines.

CTF-76 is the expeditionary strike force for SEVENTH Fleet. Comprised of the Forward Deployed Naval Force's *Bon Homme Richard* Amphibious Ready Group, a beach master unit, and landing craft air cushions, its mission is to embark, land and support Marines ashore. Co-located in Okinawa and Sasebo, Japan, CTF-76 is comprised of amphibious ships homeported in Sasebo Japan as well as transiting amphibious ships from THIRD Fleet. When Marines from III Marine Expeditionary Force are embarked on amphibious ships, CTF-76 assumes tactical control of the Marines and the Marine Landing Force is designated as CTF-79.

#### Ways: Drivers toward the End State

SEVENTH Fleet units take part in more than one hundred bilateral and multilateral exercises per year throughout the Western Pacific and Indian Ocean. These exercises, as well as port visits, staff talks, and other navy-to-navy contact are an essential part of an overall theater security cooperation program that builds partnerships and maintains interoperability. This section will focus on the regional activities C7F conducts that drive toward the U.S. end state in the SCS.

#### Humanitarian Assistance/Disaster Relief

In its humanitarian role, C7F routinely conducts HA/DR operations throughout the AOR. Most notably in 2011, SEVENTH Fleet responded in the immediate aftermath of the tsunami and nuclear disaster in Japan. The Operation, dubbed Tomodachi,<sup>95</sup> displayed C7F's immediate search and rescue capability, medical assistance and thousands of pounds of food and fresh water delivered to the Japanese. Tomodachi called

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<sup>95</sup> Japanese translation: "Friend."

for the increased interoperability between SEVENTH Fleet units and the Japanese Maritime Self-Defense Force. The outcome of this mission greatly increased ties between the two countries and also provided Japan assurance that the United States was a capable and dependable ally.<sup>96</sup>

Another noteworthy HA/DR mission C7F units recently supported was Operation Damayan.<sup>97</sup> In November 2013, SEVENTH Fleet units were mobilized when super typhoon Yolanda, the most powerful typhoon in recorded history, made landfall in the central region of the Philippines.<sup>98</sup> As a JTF providing the preponderance of forces, SEVENTH Fleet relief efforts included clearing vital roadways, transporting civilian aid workers, distributing over 60,000 pounds of relief supplies, and the evacuation of 21,000 internally displaced personnel. The involvement of C7F during Damayan resulted in bolstered Philippine support for an enhanced U.S.-RP partnership.

The Indo-Pacific region accounts for over 40 percent of natural disasters worldwide.<sup>99</sup> The Pacific Rim's tectonic plates consistently shift and produces the Pacific Ring of Fire, triggering earthquakes, volcanoes, and tsunamis. SEVENTH Fleet's

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<sup>96</sup> MC2 Charlotte Oliver, “Operation Tomodachi: Five Years Later,” U.S. Navy, March 2, 2016, accessed June 9, 2016, [http://www.navy.mil/submit/display.asp?story\\_id=93414](http://www.navy.mil/submit/display.asp?story_id=93414).

<sup>97</sup> Tagalog translation: “Mutual.”

<sup>98</sup> Thomas Lum, *Typhoon Haiyan (Yolanda): U.S. and International Response to Philippines Disaster* (Washington, DC: Library of Congress, February 10, 2014).

<sup>99</sup> U.S. Pacific Command, “PACOM Before the House Appropriations Committee Remarks, By Admiral Samuel J. Locklear,” March 18, 2015, accessed June 9, 2016, <http://www.pacom.mil/Media/SpeechesTestimony/tabid/6706/Article/581146/pacom-before-the-house-appropriations-committee-remarks.aspx>.

capabilities in humanitarian response capabilities can turn a threat to regional stability into a potential opportunity for increased ties.

#### Freedom of Navigation Operations

The U.S. Navy has been conducting unilateral FONOPS worldwide since 1979<sup>100</sup>. FONOPS stress the need for all countries claiming excessive baselines or maritime exclusion zones to abide by UNCLOS. By conducting FONOPS in disputed areas, the United States demonstrates that it does not recognize that nation's excessive claims. FONOPS constitute a show of resolve but tend to limit the possibility of military escalation. U.S. Navy FONOPS challenge excessive claims; not only those of potential adversaries and competitors, but those made by allies and partners alike. All FONOPs are deliberately planned, legally reviewed, and properly approved prior to a FONOP mission being assigned to SEVENTH Fleet.

Four FONOPS were completed by SEVENTH Fleet in the disputed areas of the SCS between October 2015 and May 2016.<sup>101</sup> In October 2015, USS *Lassen* sailed within twelve nautical miles of the Spratly Islands. In January 2016, USS *Curtis Wilbur* conducted a FONOP within twelve nautical miles off Triton Island in the Paracels. In April 2016, U.S. Air Force A-10 Thunderbolts conducted a joint FONOP with the RP Air

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<sup>100</sup> U.S. Department of Defense, "U.S. Department of Defense Freedom of Navigation Program Fact Sheet," March 2015, accessed June 9, 2016, [http://policy.defense.gov/Portals/11/Documents/gsa/cwmd/DoD%20FON%20Program%20-%20Fact%20Sheet%20\(March%202015\).pdf](http://policy.defense.gov/Portals/11/Documents/gsa/cwmd/DoD%20FON%20Program%20-%20Fact%20Sheet%20(March%202015).pdf).

<sup>101</sup> Ankit Panda, "South China Sea: US Navy Destroyer Asserts Freedom of Navigation Near Fiery Cross Reef," *The Diplomat*, May 10, 2016, accessed June 9, 2016, <http://thediplomat.com/2016/05/south-china-sea-us-navy-destroyer-asserts-freedom-of-navigation-near-fiery-cross-reef/>.

Force in the vicinity of Scarborough Shoal. The most recent FONOP was conducted on May 9, 2016 by USS *William P Lawrence*, part of the *John C Stennis* Carrier Strike Group. The destroyer conducted a FONOP within twelve nautical miles of Fiery Cross Reef in the Spratly Islands.

#### Commander, U.S. SEVENTH Fleet Military-to-Military Engagement with the Philippines

The U.S.-RP relationship has recently gained renewed importance following the Obama Administration's Pivot to the Asia-Pacific, and the territorial disputes in the SCS with China. The geographic significance of the Philippines discussed in chapter 3 underscores the importance of the United States maintaining ties with the Philippines. This section will provide an overview of the military-to-military activities SEVENTH Fleet conducts by employing the five lines of effort described in the DOD's *Asia-Pacific Maritime Security Strategy*.

#### Exercise Balikatan

Balikatan (BK)<sup>102</sup> is a bilateral exercise held annually with the AFP and the U.S. armed forces. BK is the most comprehensive military exercise between the two countries, with a mutual objective of increasing joint interoperability within the services and an increase in the AFP's overall combat effectiveness.<sup>103</sup> PACOM is currently pushing to

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<sup>102</sup> Translation: "Shoulder-to-Shoulder."

<sup>103</sup> Lum and Dolven.

make BK a multilateral event with other U.S. partners; the Philippines has responded positively to this proposal.<sup>104</sup>

BK typically consists of over 5,000 service members from both countries. The exercise is held throughout various regions of the Philippines, with emphasis on humanitarian assistance and maritime security. BK involves joint naval, air, and land maneuvers, and includes maritime reconnaissance activities, live-fire events, explosives handling, and mass-casualty scenarios.<sup>105</sup> Future BK exercises will likely be in a multilateral setting, promoting interoperability with the United States and its partners throughout the region alike.

#### Cooperation Afloat Readiness and Training/ Southeast Asia Cooperation and Training

Cooperation Afloat Readiness and Training (CARAT), is an annual series of bilateral exercises with Southeast Asian partner navies to promote maritime cooperation and regional maritime security. CTF-73 serves as SEVENTH Fleet's executive agent in the planning and execution of CARAT with each partner navy. One benefit of CARAT is how each exercise can be scaled down to the level of that partner nation's requirements in order to best work with C7F units.

The Philippines was one of the original six CARAT countries to participate with SEVENTH Fleet in 1995. The PN's involvement in CARAT has since grown in scope and complexity based on its increased capabilities with the acquisition of their BRP

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<sup>104</sup> Major Joshua Rodriguez, U.S. PACOM J5 Country Desk Officer for the Philippines, email correspondence with author, May 27, 2016.

<sup>105</sup> Lum, 13.

*Gregorio del Pillar* class frigates. The PN has been open to conducting a trilateral CARAT for 2016 with the Malaysian Navy.<sup>106</sup> The goal for this year will be to increase interoperability between the three navies in support of increasing maritime security in the South China Sea and between the porous Philippine-Malaysian archipelagic borders.

Southeast Asia Cooperation and Training (SEACAT), is an annual multilateral exercise consisting of a conglomeration of all CARAT countries. SEACAT focuses on the common maritime security challenges in Southeast Asia such as piracy, smuggling, and the proliferation of weapons of mass destruction. The layout of the exercise typically involves a command post exercise (CPX), and a field training exercise (FTX). During a three-to-five day CPX, liaison officers in a command center will receive simulated reports of suspected vessels in historic areas known for illicit activity such as the Straits of Malacca or the SCS. The liaison officers will develop and implement a contingency plan based on the situation and the maritime units available. The FTX, typically a five-day at sea period, will execute the contingency plan.

The location of the CPX rotates between Singapore's Information Fusion Center, Malaysia's International Maritime Bureau, or the Philippines' Coast Watch South Headquarters. The PN has consistently provided liaison officers during the SEACAT's CPX and have periodically committed maritime assets for the FTX.

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<sup>106</sup> Rodriguez.

## Pacific Partnership

The Pacific Partnership (PP) began in response to the 2004 tsunami that devastated Indonesia and other parts of Southeast Asia.<sup>107</sup> The mission evolved over time from primarily a direct care mission to an operation focused on enhancing partnerships throughout the PACFLT AOR. PP is currently the world's largest annual multilateral humanitarian assistance mission with USNS *Mercy* used during even-numbered years and an amphibious ship during odd-numbered years. Typical mission areas include medical, dental, optometry, veterinary services, engineering projects, and symposiums to promote disaster relief preparedness.

The last PP Philippines mission in 2014 conducted medical subject matter expert exchanges, provided basic medical, dental, and optometry clinics, medical seminars for local doctors, veterinary services, and four engineering projects. Unlike the other military-to-military engagements mentioned in this research, PP is a pure play on soft power with the objective of winning hearts and minds; fostering “persistent presence and enduring relationships with [U.S.] allies and partners throughout the Indo-Asia-Pacific.”<sup>108</sup> The Philippines will be hosting PP for 2016.

## Philippine Amphibious Landing Exercise

The Philippine Amphibious Landing Exercise (PHIBLEX) is an annual, bilateral training exercise between the AFP's navy/marine corps, CTF-76 units, and III Marine

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<sup>107</sup> Commander, U.S. Pacific Fleet, “11th Pacific Partnership Mission Prepares to Enhance Cooperation, Strengthen Ties in Southeast Asia,” U.S. Navy, May 1, 2016, accessed June 9, 2016, <http://www.cpf.navy.mil/news.aspx/130015>.

<sup>108</sup> Ibid. Comments from Rear Admiral Charles Williams, CTF-73.

Expeditionary Force Marines attached to C7F. PHIBLEX is designed to improve interoperability in amphibious operations and maritime security. PHIBLEX also conducts engineering projects to support the quality of life of the local population. The Philippines has participated in PHIBLEX since 1983. Japan has also expressed interest in participating in PHIBLEX 2016 scheduled this October.

#### Port Visits

SEVENTH Fleet ships routinely conduct over one hundred port visits annually throughout various ports in the Philippines. U.S. Navy ships pulling into the Philippines are widely seen as mutually beneficial for both countries. For SEVENTH Fleet, it is an opportunity for its Sailors to enjoy a quality of life port visit. Sailors also volunteer their time to support local community relations projects such as renovating schools or visiting orphanages. Ship visits also show the flag and promote forward presence in the region.

If a C7F ship pulls into a PN fleet concentrated area such as Manila, subject matter expert exchanges are scheduled throughout the duration of the port visit to support the PNs modernization efforts and decrease knowledge gaps in the maintenance of their ships. The Philippines also benefits with a boost to their local economy. The Subic Bay Metropolitan Authority chairman was noted as saying annual port visits by U.S. warships in Subic Bay alone contributes \$500 million in revenue.<sup>109</sup>

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<sup>109</sup> Assumption: That figure encompasses all port visits, to include voyage repairs and extended exercises like PHIBLEX and Balikatan. Simone Orendain, “In Philippines, Mixed Feelings About Greater US Military Presence,” *Voices of America*, February 4, 2016, accessed June 9, 2016, <http://www.voanews.com/content/in-philippines-mixed-feelings-about-greater-us-military-presence/3176271.html>.

### Assessing Risk

Based on the literature review and how the SCS' operational environment was defined, this research identified three areas of *Risk* that present significant concerns with regards to the U.S. desired end state in the SCS: (1) challenges to Freedom of Navigation; (2) disputed claims driving regional instability; and (3) an A2AD environment in the event of a contingency.

Freedom of Navigation: the PRC now possesses the capability to enforce its 1992 law that all land formations and water inside the NDL are China's TTS. A modernized PLA-N continues to intercept all warships and military craft operating in the SCS, fostering an environment for increased tactical miscalculation and challenging access to free markets in Asia. Tensions in the region will likely continue to escalate as the PLA-N continue to expand on its capabilities and the SCS used as a crux to draw nationalism from the Chinese Communist Party.

Regional Instability: China's NDL overlaps competing country claimants such as Vietnam, the Philippines, Malaysia, and Brunei. Analysis has shown that the PRC's actions in defending their claims are geared more on the correct application of force (cabbage-strategy), and less on legal principles such as UNCLOS. Examples in this research include the PRC's entering Indonesia's TTS in the Natuna Islands, the standoff with the Philippines, in the Scarborough Shoal, the dangerous intercepts against U.S. Navy vessels, and the bullying of local fishermen by the PRC fishing militia. China also rejects any type of third-party negotiations with other competitor-claimants and strictly

insist on bilateral dialogue. The PRC’s actions under the rubric of “what’s mine is mine, and we’ll negotiate what’s yours”<sup>110</sup> is the greatest contributor to instability in the SCS.

Aside from the PRC’s provocations in the Southeast Asia region, a lingering concern is the outcome of the case against China in the PCA. Legal experts predict the ruling will go in the Philippines favor,<sup>111</sup> and renewed interest in defending the Scarborough Shoal and the Spratly Islands would be expected by the Philippines. However, this would clearly not be a contest of equals. In the event another standoff occurs involving China, the Philippines will likely invoke the 1951 MDT with the United States, especially if the Scarborough Shoal is legally recognized within the international community.

A2AD: for the past three years, China has been on an active land-reclamation campaign in the disputed areas of the SCS. Seven outposts throughout the SCS have been fortified with deep draft ports, commercial grade runways, surface/air search radars, and anti-air batteries. The reclaimed islands greatly extend The PLA-N’s operational reach and enhance China’s territorial claims in a vital sea lane for the United States and its treaty allies. The PRC’s DF-21 ballistic missile is specifically designed to target the U.S. Navy’s aircraft carrier and can be mobilized throughout China’s coastline. This environment poses significant risk for U.S. forces to conduct crisis-response operations in Southeast Asia.

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<sup>110</sup> Quote from Captain (Retired) James Fannel, former Director of Intelligence for PACFLT. David Ogul, “China’s Rise: WEST Day Three,” U.S. Naval Institute, February 1, 2013, accessed June 9, 2016, <https://news.usni.org/2013/02/01/chinas-rise-west-day-three>.

<sup>111</sup> Rosen, *Philippine Claims in the South China Sea*, iv.

### Center of Gravity and Critical Factors Analysis

In the event of escalated conflict in the SCS with the PRC, this section will conduct a friendly force and adversarial COG analysis as outlined in the Joint Operations Planning Process. According to Joint Publication 5-0, *Joint Operations Planning*, the definition of COG is, “a source of power that provides moral or physical strength, freedom of action, or will to act.”<sup>112</sup> Figure 12 shows COG analysis of friendly forces during contingency operations in the SCS. In this hypothetical scenario, the operational COG is U.S. SEVENTH Fleet.

Critical capabilities (CC) are considered crucial enablers for a COG to function, and essential to the accomplishment of assumed objectives. In this case, it is SEVENTH Fleet’s capability to rapidly deploy its concentration of forces into the SCS. Another CC is the Philippines as a force multiplier for prepositioning and logistics support. SLOCs must also remain open along with Freedom of Navigation into the SCS.

Critical Requirements (CR) are the means needed to execute the CCs. In order to project air power in the SCS, the sea basing of fixed- and rotary-wing aircraft is the first CR. The next CR identified is the prepositioning of required stores and ordinance in the region, which the Philippine bases under EDCA cover. The next CR is a sufficient and capable maritime force to deter and counter any further PLA-N aggression. The final CR identified is the requirement for a resilient command and control network to communicate within C7F forces and any involved allies or coalition partners. The critical vulnerabilities are areas the adversary can exploit the COG. For SEVENTH Fleet, Critical Vulnerabilities (CVs) include carrier operations within range of the DF-21, loss

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<sup>112</sup> JCS, JP 5-0, GL-6.

of logistics access in the area, and loss of over-the-horizon communications systems such as a C4I satellite.

## **U.S. Center of Gravity and Critical Factor Analysis**

<u>Center of Gravity (COG)</u> <ul style="list-style-type: none"> <li>• U.S. SEVENTH Fleet</li> </ul>	<u>Critical Capabilities (CC)</u> <ul style="list-style-type: none"> <li>• Maintain/ensure maritime mobility</li> <li>• Build/sustain relationships with allies and partner nations</li> <li>• Maintain SLOCs</li> <li>• Ensure FON</li> </ul>
<u>Critical Requirements (CR)</u> <ul style="list-style-type: none"> <li>• Sea basing (carriers, amphibs)</li> <li>• Robust logistics</li> <li>• Capable maritime fighting force</li> <li>• Robust/resilient C2 and networks</li> </ul>	<u>Critical Vulnerabilities (CV)</u> <ul style="list-style-type: none"> <li>• Sea bases (carriers, amphibs)</li> <li>• Logistics</li> <li>• C2 and networks</li> </ul>

Figure 12. Friendly Forces Center of Gravity Analysis of the South China Sea

*Source:* Created by author.

For the PRC's COG, the doer in the SCS is the PLA-N. The first CC of the PLA-N is the ability to keep maritime superiority in the SCS by keeping SLOCs under PRC control. Other CCs include the DF-21 for carrier deterrence and the PRC's fortified outposts throughout the Spratly Islands and Paracels, providing early warning/detection of C7F forces entering into the SCS. The PLA-N's CRs include Sunburn and Sizzler ASCMs from warships and attack submarines, and ASCM third party targeting from the man-made islands. The man-made islands are also a separate CC since they are capable of launching ASCMs and anti-air batteries. The last CR is the deployment of enough

PLA-N maritime forces to maintain maritime superiority throughout the SCS. The PLA-N's CVs are the distances of the North Sea Fleet in Qingdao and the East Sea Fleet in Ningbo. Another CV would be the loss of SLOCs in the SCS.

## PRC Center of Gravity and Critical Factor Analysis

<u>Center of Gravity (COG)</u> <ul style="list-style-type: none"><li>• PLA-N</li></ul>	<u>Critical Capabilities (CC)</u> <ul style="list-style-type: none"><li>• Control of SLOCs</li><li>• Early Warning / DetectionDF-21, Carrier Deterrence</li></ul>
<u>Critical Requirements (CR)</u> <ul style="list-style-type: none"><li>• Capable missile systems (Sunburn ASCM, Sizzler ASCMs)</li><li>• Fortified Man-Made Islands</li><li>• Capable maritime fighting force</li></ul>	<u>Critical Vulnerabilities (CV)</u> <ul style="list-style-type: none"><li>• Loss of SLOCs</li><li>• Distance from Spratly's to Mainland</li></ul>

Figure 13. Adversarial Center of Gravity Analysis of the South China Sea

*Source:* Created by author.

### Summary

This chapter analyzed how the U.S. military component of national power was used to drive toward the desired end state in the SCS. By applying an Ends, Ways, Means framework, the desired end state was precisely defined based on strategic documents such as the White House's NSS and the DOD's *Asia Pacific Maritime Security Strategy*. Next, SEVENTH Fleet, a subordinate command of PACFLT, was identified as the most

appropriate service component in PACOM to be the Means. SEVENTH Fleet's activities such as FONOPS, theater security cooperation exercises and the current partner-building programs with the Philippines were then discussed as the Ways to achieve the desired end state at phase zero. Risk assessment was then conducted, identifying three areas where U.S. strategy in the SCS was vulnerable to failing: (1) challenges to Freedom of Navigation; (2) disputed claims driving regional instability; and (3) an A2AD environment in the event of a contingency operations.

Identifying what would be crucial in successful attainment of a desired end state would not be complete without COG analysis. Both adversarial and friendly COGs were conducted in order to determine what would be required to disrupt the PRC's COG and identify vulnerabilities for friendly forces. This analysis shows the Philippines plays an instrumental role as a critical requirement to maintain SLOCs, and as a force multiplier. The Philippines also fills the critical requirements for logistics within proximity of the SCS by the country's air bases throughout the archipelago. The next chapter will be the conclusions from this research and recommendations from the author on how to mitigate risk to U.S. strategy.

## CHAPTER 5

### CONCLUSIONS AND RECOMMENDATIONS

If you have an important point to make, don't try to be subtle or clever. Use a pile driver. Hit the point once. Then come back and hit it again. Then hit it a third time!

— Winston Churchill, *Churchill by Himself: The Definitive Collection of Quotations*

This chapter will summarize this research and demonstrate how the primary and secondary questions were answered. Following the research conclusions, the risks to U.S. strategy discussed in chapter four will be revisited. Each of the three risk areas will present recommendations by the author on how SEVENTH Fleet's unilateral and bilateral engagement can be enhanced and how risk can be mitigated.

#### Research Conclusions

Chapter 2 provided the scene setter and historic background of how the SCS became a flashpoint in the region. Chapter 2 was also a literary review of U.S. strategic documents, which signal the importance of Freedom of Navigation as outlined by the NSS and the DOD's *Asia-Pacific Maritime Security Strategy*. Chapter 3 presented the reader with a thorough understanding of the complex operational environment of the SCS. Part of the PMESII analysis in chapter 3 included China's political system, the legal framework of UNCLOS, and China's newfound aggression in the region. This study finds that China's expansionist theme of salami-slicing is geared less on legal principle such as UNCLOS and more on the correct application of force. This wholly answers the secondary research question; what are the strategies of the United States and China in the SCS?

Chapter 4 of this study conducted an Ends, Ways, Means, framework in order to capture the U.S. desired end states in the SCS, identify the most suitable military component of PACOM to conduct phase-shaping activities, and what those activities were. Assessment of risk found three areas where U.S. strategy would likely fail. These three areas are: (1) challenges to Freedom of Navigation; (2) disputed claims driving to regional instability; and (3) an A2AD environment in the event of a contingency operations. This answers the secondary research question; what are the risks associated with U.S. national interests in the SCS?

In the event of escalated conflict, chapter 4 also conducted COG analysis in order to better discern how the PRC's COG would be disrupted. This analysis was also instrumental in identifying the critical capabilities, requirements, and vulnerabilities for friendly forces. The analysis in chapter 4 answers the primary research question; how will an increased partnership between the United States and RP navies support U.S. security objectives in the SCS?

The political cartoon in figure 14 depicts how former President Aquino leverages the strength of the U.S. military against Chinese aggression in their EEZ. The Philippines' security relationship with the United States has gained renewed prominence stemming from China's aggression and the PN lack of power projection at sea. The Philippines would solely rely on the United States to defend its maritime sovereignty. The closer ties with the Philippines would also greatly benefit U.S. strategy.



Figure 14. Political Cartoon Depicting President Aquino using the U.S. Military Strength as Leverage against Chinese Encroachment in the South China Sea

Source: Heng Kim Song, “Clashes in the Philippines,” *The New York Times*, September 22, 2013, accessed May 19, 2016, <http://www.nytimes.com/2013/09/22/opinion/global/clashes-in-the-philippines.html>.

The two common denominators in mitigating challenges to Freedom of Navigation, regional instability, and an A2AD environment are: (1) the requirement for an increased presence of SEVENTH fleet phase shaping operations in Southeast Asia; and (2) increased access of maritime forces to the Philippines. Beyond phase-shaping, COG analysis shows the Philippines playing a crucial role in CRs such as maintaining SLOCs, and as a force multiplier for SEVENTH Fleet. Analysis also shows the Philippines meeting the CRs for logistics within proximity of the SCS. The next section

will focus on how the United States can mitigate risk, which will answer the final research question; what are the weaknesses of the current U.S. activities in preserving Freedom of Navigation and how can they be mitigated?

### For Want of a Nail, the Sea was Lost

On May 27, SECDEF Ash Carter addressed the U.S. Naval Academy graduating class of 2016. The SECDEF's speech specifically mentions the challenges in the Western Pacific the newly commissioned ensigns will face when they join the fleet:

[T]he Asia-Pacific continues to be rich in great opportunities for the United States. But challenges always accompany opportunities in times of change. And not all the change in the region has been positive. Indeed, in the South China Sea and elsewhere, there is a growing risk to the region's prosperous future—even though it's a future that many in the region have chosen, and are working toward together. China has taken some expansive and unprecedented actions in the South China Sea, pressing excessive maritime claims contrary to international law. Its construction—and subsequent militarization—of artificial islands on disputed features far surpass all other land reclamation efforts by other nations there, all others combined. And when other aircraft, ships, and even fishermen act in accordance with international law near these features, China tries to sometimes turn them away. The United States is not a claimant in the current disputes, and we do not take a position on which claimant has the superior sovereignty claim over the disputed land features. But we are determined to stand with partners in upholding core principles, like freedom of navigation and overflight, free flow of commerce, and the peaceful resolution of disputes, through legal means, in accordance with international law. We're committed to ensuring these core principles apply equally in the South China Sea as they do everywhere else . . . because only by ensuring that everyone plays by the same rules can we avoid the mistakes of the past, where countries challenged one another in contests of strength and will, with disastrous consequences for humanity. That is why we will not waver in our determination to uphold these core principles.<sup>113</sup>

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<sup>113</sup> U.S. Department of Defense, “Remarks at U.S. Naval Academy Commencement as Delivered by Secretary of Defense Ash Carter, Annapolis, Maryland,” May 27, 2016, accessed June 9, 2016, <http://www.defense.gov/News/Speeches/Speech-View/Article/783891/remarks-at-us-naval-academy-commencement>.

The SECDEF's speech gives a clear proclamation that future conflict may occur in safeguarding Freedom of Navigation in the SCS. Over three decades of double-digit economic growth has provided China with an impressive naval modernization program, which produced missiles, warships, submarines, and aircraft carriers to rival SEVENTH Fleet. The PRC has used their military component of national power to enforce the NDL and challenge the international order of law of the sea.

Accurately predicting the future outcome in any field of research is an uncertain business. However, this study concludes with absolute certainty that the U.S. Navy is the only maritime force in the Western Pacific that is capable of countering China's NDL claims with regards to Freedom of Navigation. China's navy is an easy overmatch for any of the Southeast Asian countries. This is significant because China refuses to acknowledge third party mediation regarding the legality of the NDL. Furthermore, a lack of forward presence from SEVENTH Fleet's theater shaping operations such as FONOPS and partner-building exercises will allow China to privatize the SCS, causing the U.S. desired end states in the region to fail. This research also finds that SEVENTH Fleet's current activities have been marginally successful in driving towards that desired end state; this section will cover those weak points and how they can be mitigated.

### Freedom of Navigation Operations

When addressing challenges to Freedom of Navigation in the SCS, FONOPS is an effective measure in upholding the international law of the sea. It sends a non-escalatory message to a country that their excessive maritime claims are not recognized by the United States. However, in the case of the SCS where China actively responds with warships and fighter aircraft, the frequency must be increased. FONOPS in the SCS have

been held about once every other month since October 2015, and with the same outcome: Either fighter aircraft or PLA-N warships were deployed to intercept or shadow the U.S. Navy ships until it left the area. This bimonthly frequency showed no effect in the status quo and only provided China a source of rhetoric for its ongoing information operations campaign. A more effective approach would be to conduct FONOPS routinely where sighting U.S. Navy warships or aircraft in the SCS would be a common occurrence and less of an exception. To support this effort, the Philippines' military bases from the EDCA agreements provide the geographic support to be a central hub-and-spoke location for FONOPS. The distance between these bases and the SCS would allow C7F units to regularly conduct FONOPS on an almost daily basis.

To further increase FONOPS' effectiveness in the SCS, the DOD and DOS must carefully choose the right terms of innocent passage versus transit passage when reporting these events to the press. Under UNCLOS, transit passage allows a vessel or aircraft the "freedom of navigation and overflight solely for the purpose of continuous and expeditious transit of the strait between one part of the high seas or an exclusive economic zone and another part of the high seas or an exclusive economic zone."<sup>114</sup> Innocent passage allows a vessel to transit through another coastal state's TTS subject to operating restrictions.<sup>115</sup> Innocent passage applies in circumstances such as avoiding hazards to navigation, acting in the preservation of life, but mainly used as part of a route to dramatically reduce distance to travel. SEVENTH Fleet has conducted FONOPS

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<sup>114</sup> Division for Ocean Affairs and the Law of the Sea, UNCLOS, Part III, Article 38.

<sup>115</sup> Ibid., Part II.

where ships transited through another country's TTS, but none of these applied in the Spratly Islands and Paracels.

Following the FONOP of USS *William P. Lawrence* in the Spratly Islands, the U.S. DOS made the following statement:

The Department of Defense conducted a freedom of navigation operation in the South China Sea, specifically in the region of Fiery Cross Reef in the Spratly Islands, to uphold the rights and freedoms of all states under international law and to challenge excessive maritime claims of some claimants in the South China Sea. These excessive maritime claims are inconsistent with international law as reflected in the Law of the Sea covenant in that they purport to restrict the navigational rights that the United States and all states are entitled to exercise.

During this operation, a U.S. Navy surface ship exercised the right of innocent passage while transiting inside 12 nautical miles of Fiery Cross Reef, a high-tide feature that is occupied by China but also claimed by the Philippines, Taiwan, and Vietnam. No claimants were notified prior to the transit, which is also consistent with our normal process and international law.<sup>116</sup>

When the term innocent passage is used to describe the FONOPS in the SCS, it implies the United States recognizes China's man-made islands generates some sort of sovereignty. In this case, it is Fiery Cross Reef; a massive man-made island approximately 800 nautical miles from the Chinese mainland. Regardless of who claims ownership of the reefs and shoals in the SCS, there would be no sovereign rights under UNCLOS and those land formations would only be applicable as part of a claimant's EEZ, which falls in-line with the definition of transit passage.

The final point to make regarding FONOPS will be how C7F conducts them; unilaterally. The map in figure 15 shows destinations of crude oil trade flows entering into the SCS from the Indian Ocean. There is a strong alignment of views regarding

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<sup>116</sup> U.S. Department of State, "Elizabeth Trudeau Director, Press Office Daily Press Briefing Washington, DC," May 10, 2016, accessed June 9, 2016, <http://www.state.gov/r/pa/prs/dpb/2016/05/257074.htm>.

freedom of the seas in the global commons. Economically, it is also fair to say that treaty allies Japan, South Korea, and Australia have more at stake in the SCS than the United States, but no other country is willing to risk China's backlash in enforcing Freedom of Navigation. The United States must seek active support from its maritime partners and treaty allies in the AOR in order to make FONOPS exponentially more effective. The next step would be to conduct future FONOPS in a multilateral setting. This will eliminate what the PRC presents as a U.S. versus China overtone; China will be forced to change its behavior in order to address what would now be a unified approach to defending the international law of the sea.



Figure 15. Daily Crude Oil Trade Flows from the Indian Ocean to the South China Sea

*Source:* U.S. Energy Information Administration, "The South China Sea is an important World Energy Trade Route," April 4, 2013, accessed May 21 2016, <http://www.eia.gov/todayinenergy/detail.cfm?id=10671>. Note: numbers represent millions of barrels.

## Regional Instability and the Permanent Court of Arbitration in the Hague Ruling

The volatile mix of countries' territorial disputes and Chinese aggression in the SCS will continue to have an adverse effect on regional stability in the foreseeable future. With a steadily increasing military budget, the PRC is very likely to dial up its cabbage strategy by getting PLA-N warships more involved in enforcing its NDL claims and show the flag with its neighbors. The Asia-Pacific Pivot calling for an increase in maritime forces is appropriate. However, this strategy must be backed up with tangible assets in order for C7F to achieve effective deterrence. There has been no increase in numbers of warships in the Forward Deployed Naval Force and C7F's concentration of forces are in Japan. The EDCA agreements with the Philippines hold potential opportunities to project C7F's forward presence throughout the Southeast Asia region. This agreement holds promise to regional stability since a significant increase in SEVENTH Fleet's theater shaping operations are required to counter the challenges of China's newfound aggression.

A major turning point in the direction of regional stability will be the outcome of the PCA's ruling in the case of the Philippines versus China. The ruling will decide whether any land formations in the SCS, to include China's man-made islands can be classified as islands and if the NDL conforms to UNCLOS. Following the ruling, the PN will be expected to deploy assets to enforce its claims in Scarborough Shoal; an atoll located well inside the Philippines' EEZ. If the PN is involved in another stand-off with the PLA-N in Scarborough, the United States will be faced with two tough choices.

The MDT of 1951 is not self-executing and it does not explicitly obligate the U.S. to defend maritime areas that are disputed by other countries such as the Spratly Islands.

However, if the NDL is deemed illegal by the arbitration courts, the Scarborough Shoal in the vicinity of Luzon would be legally recognized as a territory of the Philippines per UNCLOS. Article V of the MDT specifically states when the United States would aid the Philippines: when an armed attack of the “metropolitan territory of either of the Parties,” the “island territories under its jurisdiction in the Pacific Ocean,” or its “armed forces, public vessels, or aircraft in the Pacific.”<sup>117</sup> During President Obama’s most recent visit to the Philippines in April 2014, he assured that the MDT obligates the U.S. to defend Philippine sovereignty and stated, “Our commitment to defend the Philippines is ironclad,”<sup>118</sup> which SECDEF Ash Carter reiterated with his counterpart in April 2016. If the United States did provide combatants to defend the Philippines, it would forgo its economic interests for U.S. security interests in the region, which would almost certainly cost an economic sacrifice with China. The United States can also decide to forgo defending the Philippines but with even more serious implications.

If the United States played it safe and did not get involved in a future conflict between the Philippines and China, economic ties with the PRC would be preserved but the PLA-N would take Scarborough Shoal with little resistance, and perhaps the Spratlys to follow. China would almost immediately start land reclamation projects on

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<sup>117</sup> DOS, MDT, Article V.

<sup>118</sup> Lisa Ferdinando, “Carter Hails ‘Ironclad’ Relationship With the Philippines,” U.S. Department of Defense, April 15, 2016, accessed June 9, 2016, <http://www.defense.gov/News-Article-View/Article/722302/carter-hails-ironclad-relationship-with-the-philippines>.

Scarborough Shoal, complete with an airfield, surveillance radars, and deep draft ports.<sup>119</sup>

Taking Scarborough Shoal holds strategic significance for the PRC's A2AD strategy; the PLA would now have a fortified triangulated position throughout the SCS, significantly changing the balance of power and control in China's favor. The United States would also lose its credibility as a reliable treaty ally in the region, specifically with Japan, Australia, Thailand, and South Korea. U.S. military-to-military ties and access to the Philippines would also become nonexistent.

The most serious consequence of not defending the Philippines would be the future of UNCLOS. A very likely outcome; China will lose the arbitration case but will override the legal precedent of UNCLOS with the concurrence of other nations that were economically coerced. This will trickle down to the academic domain in the U.S. who convince policy makers to accept China's disregard for the PCA's decision for the sake of avoiding a shooting match and maintaining economic ties<sup>120</sup>. The legal backing of UNCLOS would now come into question, and instead of adherence to the law of the sea, UNCLOS would be reverted to customary law where might makes right. An alternate outcome would be the reconstituting of a new international order written with Chinese characteristics.

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<sup>119</sup> Hannah Beech, "The Dispute About the South China Sea Is Also a Dispute About History and America's Role," *Time Magazine*, April 28, 2016, accessed June 9, 2016, <http://time.com/4310685/us-navy-john-stennis-south-china-sea-history/>.

<sup>120</sup> How else can the United States justify not abiding by the terms of the 1954 MDT with the Philippines?

## The Anti-Access, Aerial Denial Environment

The final topic in mitigating risk is China's A2AD strategy. Based on the limitations of this research, no unclassified literature was found specifically detailing how the U.S. Navy was working to counter the DF-21 outside of Air-Sea Battle. What is certain is that the DOD takes the threat seriously and would likely not operate within the ranges of the ASBM to avoid losing an aircraft carrier. The carrier strike group would operate south of Luzon in the vicinity of the Celebes or Sulu Sea, significantly limiting operational reach. These conditions in the SCS will require the U.S. Navy to develop new tactics, techniques, and procedures in order to effectively operate with unfettered access in the event of crisis-response operations. SEVENTH Fleet would also be required to capitalize on the air bases in the Philippines to substitute as stationary aircraft carrier.

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